

Appeal Decision

Site visit made on 15 February 2022 by C Glaister BSc (Hons)

Decision by K Taylor BSC (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2022

Appeal Ref: APP/C4615/Z/21/3287273

Hall Street, Dudley DY2 7BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Direct Posters Outdoor against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1345, dated 7 July 2021, was refused by notice dated 30 September 2021.
 - The advertisement proposed is described as "Upgrade of existing 48 sheet advert to support digital poster".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require decisions to be made only in the interests of amenity and, where applicable, public safety. The proposal would not adversely affect public safety, and this has not been raised as an issue by any party. A recommendation is therefore put forth with regard only to the visual amenity of the proposed advertisement, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area including whether it preserves or enhances the character or appearance of the Dudley Town Centre Conservation Area.

Reasons for the Recommendation

5. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The site is within the Dudley Town Centre Conservation Area (CA). Beyond the site to the northwest is a large furniture store and a short row of residential and mixed-use buildings.

7. The existing advertisement is among an area of vegetation that precedes the dwellings to the northwest. It is located near the edge of the CA boundary and is clearly visible when entering the CA along Hall Street. There are no other advertisements of this nature in this section of the CA that can be seen from this approach. There is an external light along the top of the advertisement. The proposed advertisement would be similarly sited and of a comparable size to the existing advertisement. It would be internally illuminated and feature a rotation of digital images.
8. The advertisement would attract more attention and be a more prominent feature in the street scene due to its rotation of images. The internal method of illumination would result in greater overall visibility in comparison to the existing advertisement. As a result of these elements, the advertisement would appear visually intrusive and would be harmful to the character and appearance of the CA. The conditions suggested to mitigate the effect of the advertisement would not be sufficient to overcome the harm that would arise. Irrespective of the areas condition and whether or not any of the buildings are listed, the site is nevertheless within a CA and the advertisement is therefore subject to the relevant statutory test. The proposal is considered with regard to its own individual circumstances. Neither the advertisement opposite, nor the advertisement on Duncan Edwards Way are within the CA and are not readily visible when entering the CA. These advertisements would not justify or mitigate the harm that has been identified.
9. For these reasons, the proposed advertisement would harm the visual amenity of the area, and having regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it would fail to preserve the character and appearance of the area. Planning Guidance Note No. 11 (PG11) suggests that advertisements should generally be compatible in design to the building or land upon which they are displayed. Policy S9 of the Dudley Borough Development Strategy (March 2017) (DS) seeks to ensure that proposals better reveal the significance of Conservation Areas as designated heritage assets. Policy D12 of the DS seeks to ensure advertisements are in keeping with the character of the area. For the reasons above, although not decisive, the advertisement would not adhere to the guidance given in PG11, or the aims of Policies S9 and D12 of the DS.

Conclusion and Recommendation

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR