

# 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: 21 March 2022**

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**Appeal Ref: APP/C4615/Z/22/3290240**

**Land at Level Street, Brierley Hill, Dudley DY5 1UA**

- 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 Ben Porte (of Clear Channel UK Ltd) against the decision of Dudley Metropolitan Borough Council.
  - The application Ref P21/1917, dated 12 October 2021, was refused by notice dated 3 December 2021.
  - The advertisement proposed is the installation of 2no internally illuminated freestanding 48-sheet D-Poster displays.
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## 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 advertisements, 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 advertisements on the amenity of the area.

## Reasons for the Recommendation

5. The area around the site is commercial, and generally characterised by large buildings. Advertisements tend to relate to the businesses that occupy these buildings. There are no examples of advertisements similar to the proposal in the vicinity of the site. The advertisements would be sited back-to-back and would therefore be visible from both directions along Level Street.
6. Due to the size of the advertisements, the fact that they would feature a rotation of images, and the lack of similar advertisements nearby, they would

appear incongruous and prominent and cause harm to the amenity of the area. Although the advertisements would not be taller than the nearby totem, or impinge upon the setting or significance of a heritage asset, these are neutral matters that do not weigh in support of the proposal. The conditions suggested to mitigate the effect of the advertisements would not be sufficient to overcome the harm identified. The appeal is considered with regard to its own individual circumstances; advertisements in other areas away from the appeal site do not justify or mitigate the harm that would arise.

7. 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 D12 of the Dudley Borough Development Strategy (March 2017) (DS) seeks to ensure advertisements are in keeping with the character of the area. For the reasons above, the advertisements would not adhere to the guidance given in PG11, or the aims of Policy D12 of the DS.
8. For these reasons, the proposed advertisements would harm the visual amenity of the area. Although not decisive, there would be conflict with Policy D12 of the DS. Paragraph 67 of the National Planning Policy Framework (2021) (the Framework) relates to the supply of homes and is not therefore relevant to this appeal. However, the advertisements would in any case fail to adhere to the overarching objectives of the Framework and its aim to protect amenity.

### **Conclusion and Recommendation**

9. 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**

10. 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