
Appeal Decision

Site visit made on 18 January 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/E0915/Z/21/3284701

Crown Street Car Park, Botchergate, Carlisle CA1 5AB

- 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 Graeme Hughes (Alight Media) against the decision of Carlisle City Council.
 - The application Ref 21/0702, dated 7 July 2021, was refused by notice dated 11 October 2021.
 - The advertisement proposed is described on the application form as 'The erection and display of a freestanding 48-sheet digital advertisement display'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies (and Conservation Appraisal and Management Plan) are not determinative, but I have taken them into account as a material consideration.
3. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Botchergate Conservation Area (CA).
4. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving the listed buildings on Tait Street or their settings or any features of special architectural or historic interest which they possess.

Main Issue

5. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

6. The appeal site comprises a car park which fronts onto Botchergate and given its location I consider the appeal site to be in a visually prominent location. The site is also located within the CA and is directly opposite Tait Street which contains rows of Grade II listed two storey terraced dwellings.

7. The Botchergate Conservation Appraisal and Management Plan (BCAMP) states that Botchergate was originally a linear development on the approach to the walled city of Carlisle and it became increasingly urban and commercial in character during the nineteenth century. It also described the current character of the CA as being urban. The appeal site is within character area 2 as identified by the CAMP which states that this area has less grandeur than character area 1 and that the parts of it fronting Botchergate are commercial in character.
8. It also goes on to highlight that this part of the CA has suffered significantly from a decline and change in retail patterns as evidenced by the neglected state of many of its buildings and the clearance of housing in the 1960's. That being said it does highlight the surviving and well-preserved Tait Street and its Grade II listed buildings as being a stark positive contrast to this decline. In addition, according to the historical maps contained within the BCAMP, it would appear that the appeal site formerly had a building or buildings which fronted onto Botchergate, complementing its linear development pattern. On my visit, I observed that Botchergate still has a relatively linear development pattern with buildings fronting onto it.
9. It is proposed to erect a digital LED sign that would have an overall height of approximately 5.7 metres, a width of approximately 6.4 metres and a depth of approximately 0.6 metres. The sign would be internally illuminated and would display static advertisements with images changing no more than every 10 seconds. The proposal would align with the existing street frontage meaning that it would be directly opposite the middle point of Tait Street and face the oncoming traffic at its junction with Botchergate.
10. Given its visually prominent location and its orientation the proposal would not obstruct any views along Botchergate particularly those towards the Citadel as highlighted as important ones in the BCAMP. It would however be fully visible from Tait Street.
11. Electronic signs are designed to change display at regular intervals which could also reasonably be an added potential distraction as the eye would be naturally drawn to a changing scenario. Furthermore, even though the proposed advertisement/information images would be static they would change intermittently meaning that the proposed screen would introduce a new element to the visual field of passers by and persons viewing it from certain vantage points such as Tait Street. As a result, I consider that the proposal would represent a new and highly conspicuous feature would be added to the street scene.
12. It therefore seems valid to conclude that given its location and orientation that the proposal would visually interfere with the setting of the CA and the nearby listed buildings. Consequently, given its nature, scale and design I find the proposal to be neither sympathetic nor appropriate when considered within the historical context of its surroundings. It would therefore fail to preserve or enhance the character of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. For similar reasons, the proposal would also cause less than substantial harm the settings of the nearby listed buildings nos. 1-21, 10-30, 25-29 and 32-36 Tait Street.

13. Accordingly, the proposal would neither preserve nor enhance the character or appearance of the CA. Likewise, as it would be clearly visible from Tait Street, given its size and location, I also consider that in accordance with the clear expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990, anticipating the development permitted, the setting of the listed buildings on Tait Street would also not be preserved.
14. Having regard to paragraph 202 of the *National Planning Policy Framework* (the Framework), given its scale, the proposed advertisement would provide limited economic benefits. However, these benefits would not be of sufficient weight to outweigh the harm to the CA and listed buildings to which I must attach great weight.
15. I note that many of the buildings fronting onto Botchergate have a commercial or retail element on their ground floor with some of them also having advertising signage on their respective frontages. However, none of these signs are as large as the proposal would be nor do they display static interchanging images that are as large as the proposal's would be.
16. I also note that Botchergate is classed as an A-road in a major city conurbation and that it is partially a commercial area. However, just because the appeal site is next to an A-road, in a conurbation and in a partially commercial area does not necessarily mean that it would be a suitable location for the proposal.
17. Therefore, I conclude that the proposal would have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies SP6, HE3 and HE7 of the adopted Carlisle District Local Plan seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would harm visual amenity, it would consequently also conflict with these policies.
18. For similar reasons the proposal would conflict with paragraph 199 of the Framework, which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting and conflict with paragraphs 200 and 202 of the Framework which seek to conserve and enhance the historic environment. It would also conflict with paragraph 136 of the Framework.

Conclusion

19. For the reasons given above and bearing in mind paragraph 79 of the Planning Practice Guidance and paragraph 81 of the Framework, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR