



Appeal Decision

Site visit made on 12 April 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/A0665/Z/21/3285130

69 Boughton, Chester CH3 5AF

- 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 Mr Paul Hardy, V2 LED Ltd, against the decision of Cheshire West and Chester Council.
 - The application Ref 21/01678/ADV, dated 16 April 2021, was refused by notice dated 8 October 2021.
 - The advertisement proposed is the replacement of a traditional paper & paste 48-sheet (3m x 6m) billboard, with a much smaller 3m x 2m digital display panel.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area, including the character and appearance of the Boughton Canalside (Chester) Conservation Area.

Reasons

3. The proposed advertisement would replace an existing non-illuminated display hoarding located on the side elevation of a three storey, traditional building facing east towards a retail complex. The open, landscaped area immediately in front of the appeal site allows clear views of the display hoarding from the busy A51 when travelling into the city centre. The immediate area marks a gateway into the city centre with a transition from the residential suburbs into a largely commercial area with fewer residential properties. However, whilst this is a busy urban area, it is some distance from the heart of the city centre, and does not have the character of a highly active, vibrant commercial centre.
4. The boundary of the Boughton Canalside (Chester) Conservation Area (CA) reflects this transition point, signalling the entrance to an historic area with the appeal site situated just inside the boundary. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in so far as it relates to the consideration of amenity.
5. The building to which the appeal relates is a retail premises on the ground floor with a shopfront extending around the side of the building, above which is the existing display hoarding extending up to eaves height and occupying a substantial part of the upper elevation. This hoarding has been in place for a considerable number of years.

6. I noted on my visit that many shopfronts in the vicinity would be illuminated after dark, I also was aware of the streetlighting to either side of the street and other signage. The signage nearby predominantly related to the use of associated buildings, and most had been designed to integrate with those buildings. I was not aware of any other digital adverts in the immediate area.
7. The previous dismissed appeal in 2020 sought to replace the existing display hoarding with a digital panel of the same size. This proposal is for a similar digital panel but occupying only approximately a third of the width of the existing display hoarding and to be sited nearest to the main road, directly above the shopfront fascia sign below. The unit would display static images with instant changes no more frequently than once every ten seconds and the level of illumination would be in accordance with the Institute of Lighting Professionals' Guidelines, with sensors to reflect ambient light conditions, avoiding dazzling and would set maximum luminance levels during darkness.
8. The substantial reduction in the width of the existing display hoarding would improve the proportions of the sign in relation to the size and scale of the building. The reduction in the image sizes and the positioning of the replacement digital panel closer to the A51 would also relate better to the commercial character of the street. However, the change from a paper hoarding to a digital panel would give the sign a more eye-catching presence in the wider street-scene. The internal illumination, the sharper clarity of the images, the image changes and the sign's high position on the building would draw considerable attention to it.
9. Whilst it would not dominate and overwhelm the host building in the way that the previous appeal proposal would have done, the panel would still be large and its digitization and open position would make it a dominant focal point in the vicinity, readily seen when entering the city centre from the A51 and coinciding with views into the CA. The signage, which is unrelated to any uses in the area, will stand out in a way which other surrounding signage does not, unduly drawing the eye and have a garish and over-stated commercial connotation, uncharacteristic of the area. Despite being smaller than the existing hoarding, the impact of the proposal would be substantially greater.
10. The proposed controls to adjust levels of illumination and other suggested operational conditions would not allow the appeal proposal to assimilate with its immediate surroundings, especially on dull days and after dark when even low luminance settings would not sufficiently temper its prominence and it would still result in visual harm.
11. Whilst I have noted similarities with the appeal decision at 27 London Road, Warrington (APP/MO655/Z/20/3251305) I only have limited information regarding the setting of this building. I am unable to assess to what extent the surrounding buildings shielded the proposed digital panel, where the sign would be visible from, and its impact on the character of the wider streetscene. The panel was also viewed against a relatively modern building range as its immediate backdrop. Whilst I note that the Inspector in this case considered that the reduction in size would provide significant visual benefits and have a neutral effect on the character and appearance of the CA, despite the change to a digital display, I must conclude that based on the limited information provided it is not representative of the circumstances of this appeal site.

12. The appeal decision (APP/M4320/Z/20/3261132) at 157 College Road, Liverpool is not noted as being within a CA and due to the limited background information provided, I cannot be certain of any similarities or differences with regard to this proposal. I have also had regard to the digital displays at bus shelters within Chester, including those in the CA, and the temporary digital hoarding, but I have no details before me, and the appellant accepts that these are not directly comparable. In certain circumstances digital display hoardings may be acceptable in the city centre, including a CA, but this is a general point about digital adverts in Chester as a whole rather than an assessment of the appeal proposal before me and its context.
13. Whilst an adopted character appraisal would be helpful to describe the character and appearance of the area, the absence of such a document does not mean that there is no 'identifiable significance'. There remains a statutory duty to preserve or enhance the character or appearance of the CA and it is my role to assess whether the appeal proposal will preserve or enhance that character or appearance, have a neutral impact or cause harm.
14. The suggestion that the existing display hoarding preserves the character or appearance of the CA because it existed prior to its designation is not accepted. It is often the case that a CA includes features that have a negative or neutral effect on its character and appearance, but it is the wider characteristics of the area as a whole which combine to make it an area worthy of preservation and enhancement. The fact that the advertisement is already there does not, therefore, mean that it is not visually harmful or that alterations to it will necessarily be acceptable.
15. Whilst there would be some benefit to the reduction in the size of the existing display hoarding, this would not outweigh the significant harm to the visual amenity of the area, including to the character and appearance of the CA which would be caused by the appeal proposal. This harm would be contrary to Policies ENV5 and ENV6 of the Cheshire West and Chester Local Plan (Part One) (2015), and Policies CH5, CH6, DM17 and DM46 of the 2019 Cheshire West and Chester Local Plan (Part Two) (2019). These seek to ensure that signs are designed to create an attractive environment, are acceptable in terms of their impact on the amenity of the locality, and preserves or enhances the character and appearance of CAs. There is also conflict with paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. The development plan policies have been considered to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the proposed advertisement would be detrimental to the visual amenity of the area, including the character and appearance of the CA. The appeal is therefore dismissed.

G Bayliss

INSPECTOR