



Appeal Decision

Site visit made on 8 June 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/M0655/Z/22/3295966

197 Warrington Road, Penketh, Warrington, WA5 2EN

- 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 Smart Outdoor Media Limited against the decision of Warrington Borough Council.
 - The application Ref 2022/40813, dated 13 January 2022, was refused by notice dated 4 March 2022.
 - The advertisement proposed is modernisation of an existing advertising site. Replacement of a 18m² paper and paste poster panel display with a 12.5m² LED display.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

3. The main issue for the appeal is the effect of the advertisement on the amenity of the area.

Reasons

4. The appeal site is gable wall of a commercial premises. It lies at the end of a row of three terraced commercial units on the A562, a busy thoroughfare on the approach into Warrington. The terrace lies within Warrington Road West, Penketh, a designated Local Centre in the Local Plan and the commercial frontage lies a short distance from residential properties along Tavistock Road to the north. Despite the variety of business premises in the immediate area and the heavy traffic, the area retains a mixed character, with residential dwellings sitting cheek by jowl with a range of business uses.
5. The proposed advertisement would comprise a single LED display to be installed to the side west facing gable end of the building. The display area would measure 2.5m x 5m and would be located 2.5m above ground level.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

The display site is currently used to display a 1 x 48 sheet advertising display measuring 6m wide x 3m high (plus timber framing) around 2m above ground level. This display is permitted by Class 13 Deemed Consent, which I have been advised has been used for advertising since at least 2008.

6. Due to the size of the existing advertisement and the height at which it is displayed, it is clearly visible when approaching in a vehicle along the A562. It is also a visually dominant feature when travelling on foot from the west, along Farnworth Road. In these views the existing hoarding forms an unsightly feature, largely due to the prominence of the display site and the extent to which the hoarding obscures the side gable.
7. The application seeks consent for a display that shows a range of static images, each of those changing at no greater a frequency than once every 10 seconds with no animation or special effects between each display. Nevertheless, due to the intermittent changing of the illuminated display it would appear extremely prominent in sustained views along the western approach.
8. I note that this proposal would replace an existing advertisement. The display would be smaller in size than the existing hoarding, and more sympathetically positioned, with a better relationship with the existing window in the gable. Nevertheless, its digital LED illumination would be noticeably different to the previous advertisement and would lead to a significant intensification in the commercial character of the building. During my visit, despite the proliferation of signage in the area, I did not see any other large, illuminated advertisements in the vicinity of the proposal. Taking into account the close proximity of residential dwellings, I am not satisfied that the juxtaposition of LED signage and residential dwellings would be in keeping with the mixed character of the area. Instead, the proposed advertisement would form an overly obtrusive and incongruous feature which would appear inappropriately conspicuous in the close proximity to residential dwellings. The suggested conditions to control the display and level of illuminance would not mitigate the harm I have identified.
9. The appellant argues benefits to the proposal in environmental, social and economic terms, such as the reduction in printed posters, travel to advertisement sites, public emergency messaging and improvement of the area. In as far as these matters are relevant to the consideration of the proposal, they would not outweigh the significant harm the proposal would cause to the visual amenity of the area.
10. I therefore conclude that the proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Warrington Local Plan Core Strategy Policy QE7 which, although not decisive seek proposals which enhance the character, appearance and function of the street scene, local area and wider townscape.

Other Matters

11. The effects of the proposal on highway safety, is a concern for the Parish Council and some local residents. The Council's Highways Engineer has no objections to the scheme subject to the imposition of conditions relating to the frequency of changes to images on screen. I take account of the fact that the proposal would replace an existing advertisement and that moving images are

not proposed. Therefore, whilst I note the close proximity of the junction and the volume of traffic at the time of my visit, I consider it unlikely that the proposal, which very visually prominent, would be likely to distract drivers. This matter does not therefore add to my concerns.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I consider the display of the advertisement would be detrimental to the visual amenity of the area, and I dismiss the appeal.

Anne Jordan

INSPECTOR