



Appeal Decision

Site visit made on 14 July 2022

by Jonathan Edwards BSc(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/D4635/Z/22/3299192

Land at Linthouse Lane, Wednesfield, Wolverhampton WV11 3DU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Alight Media against the decision of the City of Wolverhampton Council.
 - The application Ref 22/00233/ADV, dated 27 February 2022, was refused by notice dated 4 May 2022.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address in the header above is taken from the application form. The Council's decision notice and the appeal form give a different address but the one used corresponds more accurately with the location of the proposed advertisement as shown on the appeal plans.

Main Issue

3. The Regulations confine the assessment of advertisements to issues of amenity and public safety. Development plan policies are only relevant considerations insofar as they relate to such matters. The main issue in respect of this appeal is the effect of the proposed advertisement on amenity.

Reasons

4. The sign would be on a forecourt between a business unit and the road. The site is on the edge of a cluster of commercial properties but dwellings are on the opposite side of Linthouse Lane. Also, residential properties lie to the north, behind trees and bushes on the site boundary. In addition, a line of nearby tall trees to the north are seen against the sky when looking at the appeal site from the road to the south and from the houses on the opposite side of the highway. Therefore, despite the presence of commercial units, the street scene has a mixed character, with views of vegetation that contribute positively to the locality's visual qualities.
5. The boundary planting would screen the sign from the north. However, the advertisement would be sizeable, set well above ground level and it would be close to the road. As such, it would be seen for a significant distance from the south. The display would be away from the houses opposite and would be

positioned at a right angle to the highway. Even so, it would be seen from the front of these dwellings, particularly those more to the south from where the full extent of the digital display would be apparent. Therefore, the sign would have a marked effect on the street scene.

6. Advertisements are not entirely unusual to the area but those that exist tend to be small in size and attached to commercial buildings. In contrast, the proposed display would be larger and set away from the business unit, near to the road. Conditions could be imposed to ensure it is not overly bright, but this would not prevent the proposal appearing as a discordant and prominent feature when seen from the nearby residences and from the road to the south. Its incongruity would be particularly striking given that it would be seen against the background of trees and bushes to the north.
7. The sign would not be in a conservation area or seen with any listed building. It would be viewed with the adjacent commercial units and the forecourt which could be used for associated storage and parking. I note the statement in the Wolverhampton Unitary Development Plan 2006 (UDP) which indicates that advertisements on business premises are usually acceptable. Also, the orientation of the sign means it would be less obvious than one that directly faces the road. However, the area includes residential properties and so the sign would not be seen in an entirely commercial context. Also, it would appear dominant in the street scene and it would screen attractive views. These detrimental effects would override any acceptable aspects of the proposal.
8. For these reasons, I conclude the advertisement would be harmful to amenity. In these regards, it would not accord with UDP policy EP19, insofar as this is relevant to the determination of the appeal. UDP policies D4, D7, D8 and D9 and policy ENV3 of the Black Country Core Strategy 2011 are also referred to. However, these are irrelevant as they do not mention advertisements and effects on amenity.

Other Matters and Conclusion

9. There is no dispute between the main parties that the signs would avoid harm in respect of public safety. There is no reason for me to arrive at a different view on this matter. However, acceptability in these regards fails to address the harm that would be caused to amenity. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR