



Appeal Decision

Site visit made on 22 August 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/W4705/Z/22/3302644

393 Tong Street, Bradford, BD4 9RU

- 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 Air Outdoor Media Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/01269/ADV, dated 15 March 2022, was refused by notice dated 13 May 2022.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'.
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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.

Reasons

3. The subject property is a traditional stone corner building, incorporating a ground floor post office at the end of a short terrace of commercial uses facing onto Tong Street. Its gable end alongside Broadstone Way hosts a paper 48 sheet advertisement with external illumination, facing towards a small car park and the gable end of a further series of commercial units. The parties agree that the existing advertisement benefits from deemed consent.
4. The streetscene character includes a range of other business signage and gable end advertisements of differing sizes and illumination. Notwithstanding whether this signage is all authorised or whether discontinuance notices could be served, it contributes to the clear commercial environment of this side of Tong Street. The proposal is for the replacement of the existing advertisement with a digital illuminated poster of the same dimensions and positioning. My consideration is therefore focused on this key difference of digital illumination.
5. I acknowledge that the proposed illumination appears in line with industry standards, responds to daylight changes, and that conditions could control matters such as luminosity, frequency of image change, and for the use of only static images. I also note there is streetlighting and that the appeal advertisement is already illuminated after dark. However, during my site visit on a partly cloudy day I found that the illumination of the digital poster drew attention more prominently in the streetscene than the paper poster of the appeal site. This difference between digital and paper would be even more marked in conditions of lower light or during hours of darkness. I therefore find

that the illumination would be more visually striking and prominent than at present and would therefore have a materially greater impact on visual amenity.

6. Leading on from this, harm would be caused due to the large size and eye level positioning of the advertisement within the gable end, which combined with its illumination would be unduly prominent. In this regard it would overwhelm the existing property and would not respect its character and visual appearance.
7. The appellant cites in support as precedent the digital poster directly opposite on the gable end of 403 Tong Street, allowed on appeal.¹ The relationship of that advertisement to its host gable is different to that of the appeal property. It has a more muted prominence, as the gable of No. 403 has no windows or door as juxtaposition, and the advertisement is positioned much higher.
8. Due to its illumination, the proposed advertisement would have greater prominence within longer range views from Tong Road as a busy transport route, and despite its wider commercial context setting would dominate the gable end to a disproportionate degree. It would therefore be harmful to the character and appearance of the streetscene and the visual amenity of the area.
9. The other appeal decisions submitted in support range from 1.5 miles to 8 miles away from the subject site, and thus are not within the same context to allow for detailed comparisons. While the appellant considers that a digital advertisement intrinsically improves visual amenity in terms of modernisation or maintenance compared to a traditional poster, this can only be assessed against the specific character of a site, which I find would be harmed.
10. The appellant suggests several social, economic, and environmental benefits such as the reduction in CO2 emissions and waste, and an increase to business rates. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety.
11. I have taken into account policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017), which are material in this case as they seek to achieve good design and high quality places, and to ensure that new developments are appropriate to their context. They require proposals to respond to the existing positive patterns of development which contribute to the character of the area in relation to scale, details, and materials. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Conclusion

12. For the reasons given above I conclude that the advertisement would be detrimental to the interests of visual amenity, and therefore the appeal should be dismissed.

L Hughes

INSPECTOR

¹ Reference APP/W4705/Z/19/3241007