



Appeal Decision

Site visit made on 6 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29TH September 2022

Appeal Ref: APP/D4635/Z/22/3300544

Waterloo Court, 31 Waterloo Road, Wolverhampton WV1 4DJ

- The appeal was 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 was made by Vivid Outdoor Media Solutions (A) LTD against the decision of City of Wolverhampton Council.
 - The application Ref 22/00356/ADV dated 30 March 2022 was refused by notice dated 6 June 2022.
 - The application is for display of one digital, LED illuminated advertisement display panel.
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Decision

1. The appeals is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the visual amenity of the Wolverhampton City Centre Conservation Area.

Reasons

3. The appeal site is located along Waterloo Road that is one of two principal approaches into the Wolverhampton City Centre Conservation Area from the north. The city ring road skirts around this area and demarks the extent of the Conservation Area Boundary at the junction of Waterloo Road and the ring road. Waterloo Road then continues its gentle rise uphill heading south into the rest of the Conservation Area.
4. The proposal intends to instal a single digital LED illuminated advertisement display upon a secondary side elevation of the Waterloo Court building that stands at the edge of the Conservation Area. The advertisement would be orientated in a vertical orientation. It would be largely unseen from within the Conservation Area itself and its primary impact would be on approach into Waterloo Road from the ring road junction.
5. In considering this appeal I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of the conservation area. The Act is reflected in The Framework, which illustrates the

positive contribution that heritage assets can make to the creation of sustainable and economically viable communities.

6. I consider that some of the significance of this part of the Conservation Area is due to Waterloo Road being a principal route into the city from the north. This significance derives from both the relatively regular layout of the street as well as the architectural quality along much of its length and the regular plot boundaries that create a revealing vista leading into the city.
7. Waterloo Court itself is a clearly Modernist building typical of the Modern tradition associated with the latter 20th century. It appears to be constructed of pre-cast concrete and exhibits a strong vertical emphasis that is effective in marking the entrance into the Conservation Area. The building is monolithic in its form and is not designated as a heritage asset itself. Nevertheless the building does have a role to play within the character of the Conservation Area as something of a landmark structure.
8. Through installing the proposed illuminated advertisement upon the building's flanking elevation, the proposal would impose a large scale illuminated feature that would in many ways be alien and detract from this principal approach into the Conservation Area. It would introduce something the likes of which I was unable to distinguish within other parts of the historic environment that I saw.
9. Although I note that the advertisement would not be readily visible from within the Conservation Area itself and although the panel would be orientated vertically, leaving a margin around it, I consider that the introduction of such a sign would visually detract from the vista and views along Waterloo Road when entering the Conservation Area here. As such there would be a harmful impact whereby the focus of this point of arrival is taken away from the vista along Waterloo Road and instead given to the advertisement upon Waterloo Court.
10. I consider therefore that the proposed advertisement would contribute to an erosion of the special architectural and historic interest that is exhibited by Waterloo Road and this part of the Conservation Area. As such a degree of harm would be sustained. This harm would be compounded through the location of the advertisement at a primary entry into the Conservation Area whereby it would detract from this sense of arrival into the historic environment as well as views into it.
11. As such the proposal before me is in conflict with policy D9 of the Wolverhampton Unitary Development Plan (UDP) which seeks that buildings and structures contribute in a positive manner to the built environment and that is reflected by Policy ENV3 of The Black Country Core Strategy (2011). I also find the proposal contrary to other UDP Policies EP19 that seeks to control the impact of advertisements as well as Policies HE3, HE4, and HE11 that seek to preserve or enhance the character or appearance of the historic environment. I also consider that the guidance contained within the Council's Planning Guidance no7 on Outdoor Advertisements and Signs (SPG7) has also not been met.

Conclusion

12. For the reasons above, taking into account the particular criteria of this proposal, I dismiss the appeal.

A Graham

INSPECTOR

13. Waterloo Court stands on a site that marks the boundary of the Wolverhampton City Centre Conservation Area and is constructed in such a way as to present around three relatively blank facades facing north towards the junction of the city ring road and Waterloo Road. As such the building is clearly visible when seen from the north and marks the transition into the conservation area along Waterloo Road.
14. I saw on my site visit that several buildings lining the route of Waterloo Road were of an obvious quality and architectural form. Although their character somewhat differs from other areas within the Conservation Area the approach along Waterloo Road is significant as a principal route into the city centre.
15. I consider that there must have been some justification for the inclusion of this site within the Conservation Area originally and not simply because it marked a convenient plot adjacent to the ring road through which to draw a boundary. I note that the Conservation Area boundary does omit certain sites in other areas and does not follow the line of the ring road continuously.