



Appeal Decision

Site visit made on 26 September 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/Z2315/Z/22/3303915

27-29 Manchester Road, Burnley, Lancashire BB11 1HG

- 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 S Yates against the decision of Burnley Borough Council.
 - The application Ref ADV/2022/0195, dated 8 April 2022, was refused by notice dated 10 June 2022.
 - The advertisement proposed is described as "1.5m x 2.5m large format digital LED screen".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At my site visit, I noted that the proposed advertisement was in place. I have dealt with the appeal accordingly.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Burnley Town Centre Conservation Area.

Reasons

4. The appeal site is located within a predominantly commercial area with some residential at upper floors and also located within the Burnley Town Centre Conservation Area (BTCCA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The BTCCA consists of the Victorian core of the town centre which has modern additions including the appeal site building, which is not a listed building. The area surrounding the appeal site is characterised by a mix of traditional and modern buildings being mainly commercial in use. Given the predominant commercial use, there are advertisements visible in the area which are mainly traditional signage above shop fronts with some visible within shop windows.

7. The proposed advertisement is large and with its LED design appears as an intrusive element within the surrounding area. The advertisements and signage on other buildings are mostly traditional in style and size whereas the proposal is a dominant feature that detracts from the appeal building and is an incongruous element in the street scene.
8. A number of other digital LED screens in the area have been brought to my attention including those at Burnley Mechanics and the bus stop on Manchester Road. However, I do not consider these other screens to be directly comparable to the appeal proposal, particularly with regards to siting and relationship with the built environment. The LED screen at Burnley Mechanics is set inside the building with the screen at the bus stop not been located on a building. The proposed advertisement, whilst being on a modern design shop front, is a discordant feature and given its scale, siting and illumination has a detrimental effect on the character and appearance of the surrounding area.
9. The appellant indicates that the proposal is viewed within the context of a commercial setting, along with street furniture, highway signage, traffic lights, guard rails and litter bins. Nevertheless, as described above, due to the size, position and LED design of the advertisement, it is a prominent and visually intrusive feature within the surrounding area.
10. Accordingly, the proposal does not preserve or enhance the character and appearance of the BTCCA. The proposal fails to accord with Policies SP5, TC8 and HE2 of the Burnley's Local Plan 2018 and the Shopfront & Advertisement Design Supplementary Planning Document 2019 which seeks proposals to have design appropriate to the character of the existing building and street scene and conserve elements that contribute to the significance of the heritage asset.
11. The proposal does not have an adverse effect on public safety, nor does it have a detrimental effect on the living conditions of occupiers of adjoining properties. These matters, however, do not outweigh the harm I have identified above.

Conclusion

12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
13. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR