
Appeal Decision

Site visit made on 21 September 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/W0734/Z/22/3303537

33 North Road, Middlesbrough TS2 1DD

- 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 Poster Property Ltd against the decision of Middlesbrough Council.
 - The application Ref 22/0169/ADV, dated 24 February 2022, was refused by notice dated 26 May 2022.
 - The advertisement proposed is an upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is agreed between the parties that public safety is not an issue in this case. The main issue is the effect of the advertisement on visual amenity.

Reasons

3. The appeal site is the gable wall of a traditional brick-built, pitched roof two-storey building which fronts a main road through an established industrial area. The building is simple, but well-proportioned. It stands out from the immediately adjacent single storey purpose built commercial buildings and is visually prominent in this section of North Road because of its height and location at the back edge of the highway.
4. Photographs show a non-illuminated advertising hoarding of similar proportions to that proposed being attached to the building in the past. This has now been removed revealing the original gable wall. I have no details demonstrating any express consent for that previous hoarding. Whether that hoarding may have benefitted from deemed consent by virtue of the period over which it was in place is a matter to which I attach little weight. This is because any such consent will have expired on its removal, and the absence of enforcement action does not necessarily equate to an absence of harm. I have determined the appeal having regard to the current situation based on what I observed on my site visit.
5. The proposed hoarding would be attached in a position whereby it would extend significantly above the slope of the pitched roof on both sides of the gable wall of No 33. Advertising hoardings may be appropriate in the area, which I recognise is not subject to any heritage designations, and some are present nearby as free-standing structures. However, because of its height and

relationship with the roof slope, this proposal would appear as an awkward and uncomfortable structure when viewed on this otherwise simple, well-balanced building. The eye would be drawn to the unusual positioning of the hoarding which would appear dominant and visually incongruent in the street.

6. My attention is drawn to two recently consented advertisements. Both differ materially from the appeal proposal in significant matters of detail. One is a freestanding hoarding proposed on a nearby road unrelated to any building. The other is attached to a building some distance away from the appeal site and it does not project above a roof in the way the appeal proposal would. Their effects are distinguishable from those that would arise from the appeal proposal and have little bearing on this case.
7. Notwithstanding the industrial character of the area, due to its size and position on the host building, the proposal would result in harm to visual amenity in the immediate area.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Policies DC1 and CS5 of the Middlesbrough Core Strategy (February 2008) seek to protect amenity and are therefore material in this case. Given that I have concluded that the proposal would harm visual amenity, it would conflict with these policies.

Other Matters

9. Digital advertisement hoardings may bring benefits in terms of opportunities for their use in public announcements and for non-commercial purposes. They result in economic and environmental savings in terms of vehicle journeys and material used in displaying traditional posters, they can lead to an increase in business rates associated with uplift in rents, and modern means of illumination can be more efficient than traditional methods. However, recognising that The National Planning Policy Framework ('the Framework') indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard.
10. The Council's reason for refusal refers to paragraph 67 of the Framework. That paragraph has no relevance to the proposal and has had no bearing on my decision.

Conclusion

11. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

David English

INSPECTOR