
Appeal Decision

Site visit made on 20 September 2022

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

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/W4705/Z/22/3303591

Land at Mayo Avenue, Bradford, BD5 8HR

- 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 Premier Vue against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02139/ADV, dated 14 May 2022, was refused by notice dated 11 July 2022.
 - The advertisement proposed is a 1 x 48 sheet with bespoke panelling, freestanding digital advertising display unit.
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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 appeal site lies adjacent to a major junction of the busy A6177 Mayo Avenue, and the A641, which together consist of wide expanses of carriageway including multiple slip lanes. I note that the Council has agreed that the advertisement would have no effect on public safety. The site is an open plot of land bounded by an attractive stone wall along most of its frontage, palisade fencing to its rear, and hedging to the junction side. Its remaining boundary is the gable end of No. 41 Mayo Avenue, which forms the end of a long terrace of 2 storey dwellings and provides a notable backdrop to the site.
4. While an established and busy urban area overall, there is a marked contrast in character between the two sides of Mayo Avenue in this location, with the road acting as a boundary. The opposite side to the proposed advertisement is clearly commercial, consisting of a retail park of two large footprint stores with a petrol station and a large expanse of car parking. Other advertisements present within this part of the streetscene include a large Matalan sign almost opposite, and they align with the commercial character of the retail park where such signage is to be expected, including only modest illumination.
5. This contrasts with the residential character of the adjoining terraced dwellings and recreation ground behind the site. There are no advertisements along this side of Mayo Avenue, and despite the site not being allocated for any specific use and there being no adjacent designated assets, the insertion of this large

digital display unit in contrast with the dwelling gable would therefore be an incongruous commercial feature within this residential character. It would also create a cumulative effect aligned with the Matalan sign that would infer a gateway into a fully commercial area. The advertisement would be of significant size and obscure much of No. 41's gable end, and overall would therefore have a negative and discordant impact on visual amenity and thus cause harm, which would be further exacerbated by its proposed illumination.

6. Although not facing residential properties, the advertisement would be highly prominent within a range of views from some distance away through the junction. Notwithstanding the adjacent streetlighting, due to its proposed illumination and changing images this overall prominence would be further heightened during the hours of darkness. I acknowledge that the proposed level of illumination would appear to be in line with industry standards and would respond to daylight changes, and that conditions could be imposed to ensure that the advertisements would be static and be displayed for a period of at least 10 seconds with instant changeovers. However, this would not mitigate the harm which would be caused as outlined above.
7. An externally illuminated paper advertisement was previously affixed to the gable end of No. 41 Mayo Avenue, which following an Advertisement Discontinuance Notice and a subsequent dismissal at appeal¹, was removed several years ago on the grounds of causing harm to visual amenity. While the current proposal has several differences from that previous advertisement, being freestanding, angled, lower in height, and of a modern design, I find that it would still be viewed in a very similar context within the streetscene. The historic photograph showing the previous advertisement on the gable end further confirms my finding that an advertisement in this location would erode the residential character of this side of the highway and unacceptably link the site with the commercial character of the retail park.
8. I have taken into account policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document (2017), and the National Planning Policy Framework (2021), 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.

Other Matters

9. The appellant suggests that the poster display would advertise town centre businesses and activities and assist the economy. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, and so I have determined the appeal on this basis. In addition, while the structure may be intrinsically well designed and modern in relation to its function and when compared to paper billboards, this does not mitigate the harm caused in this location. Notwithstanding that digital advertisements are becoming increasingly common, it would neither be read as an incidental urban feature that would be expected in this location, nor would the site inherently visually benefit from the adding of colour, interest, and information.

¹ APP/W4705/H/13/2207258

Conclusion

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

L Hughes

INSPECTOR