



Appeal Decision

Site visit made on 20 September 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/R0660/H/22/3297949

184 Hungerford Road, Crewe CW1 6EJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Wildstone Estates Limited against Cheshire East Council.
 - The application Ref 22/0119N is dated 2 December 2021.
 - The advertisement proposed is a digital advertising display.
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Decision

1. The appeal is dismissed, and advertisement consent is refused.

Preliminary Matters

2. This appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. During the course of the appeal the Council outlined its concerns with the proposal and provided a putative reason for refusal.
3. The Council has also drawn my attention to a development plan policy which it considers relevant to this appeal and I have taken it into account where relevant. However, the powers to control advertisements under the Regulations¹ may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterate this approach.

Main Issue

4. The effect of the proposal on the visual amenity of the area.

Reasons

5. This appeal concerns the gable end of 184 Hungerford Road, on which it is proposed to erect a digital advertising display in a raised position. The appeal site occupies a prominent location adjacent to a roundabout.
6. The proposal would primarily be viewed on the approach to the appeal site from the west. Prior to the railway bridge the area has a strong commercial character. However, on crossing the bridge and approaching the roundabout, the rows of terraced properties of similar scale up ahead give the area a strong residential character. There is a distinct lack of advertising in this location.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

When read in association with this context and the residential backdrop, the proposed advertisement would be an overly dominant, stark and obtrusive feature in the street scene.

7. I acknowledge that there is a cluster of commercial buildings opposite the appeal site, in which there are a number of advertisements associated with the units. However, these are read in a different context to the appeal site and, moreover, they are also of a small scale and not of a digital format. The residential backdrop of the appeal site is the context in which the proposed advertisement would be predominantly experienced and views of the proposal in this context would be for a considerable duration.
8. The two billboard advertisements on either side of the A532 on the western approach to the bridge are read within the adjacent commercial context and set the scene for the commercial area beyond the bridge to the west, unlike the appeal proposal. Moreover, they are not of a digital format. Collectively, these features ensure they are not prominent features in the street scene
9. My attention has been drawn to a previous appeal² which concerned a digital upgrade of an established advertisement. Based on the limited information provided, it seems to me that direct and sustained views would not be achieved of that example, thus it is not directly comparable to this appeal.
10. With regards to the submitted map indicating locations where digital advertisements have been granted nationally, I cannot ascertain from this information that those approvals, whether on gable walls or not, are directly comparable to the appeal proposal.
11. Accordingly, this proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to the collective aim of Policy BE.19 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 (February 2005) and paragraph 136 of the Framework which, although not decisive, seek to ensure that advertisements do not have an adverse effect on the character of the street scene.

Other Matters

12. I have had regard to the operating conditions proposed by the appellant however these would neither avoid nor overcome the harm I have identified.
13. The Council's handling of the planning application is not a matter for me within the context of this appeal.

Conclusion

14. Whilst the proposed digital advertisement may reduce waste and require less vehicle trips for maintenance compared to a poster equivalent, this proposal is for a new advertisement rather than a replacement. There is also no substantive evidence that the proposal would result in a reduction of advertisements in the wider locality.
15. The content to be displayed on the proposal could not be controlled however, even if it were used to display public information or emergency messages, the benefits of this would be limited given the scale of the proposal. The suggestion

² Appeal Ref: APP/B4215/Z/19/3243383

that the proposal would result in an uplift in rent and subsequently increase business rates is lacking in substance thus I afford this matter limited weight.

16. Regardless of the above however, advertisements are subject to control only in the interests of amenity and public safety. Therefore, for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

H Ellison
INSPECTOR