



Appeal Decision

Site visit made on 20 September 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18th October 2022

Appeal Ref: APP/P4225/Z/22/3297903

127-129 Halifax Road, Rochdale, Lancashire OL12 9SL

- 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 John O'Hara, Replyshort Limited against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref: 21/01728/ADV, dated 3 December 2021, was refused by notice dated 18 March 2022.
 - The advertisement proposed is described as '2 x 6m x 3m Matrix Digital Displays'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address postcode stated in the application form and other evidence, OL12 29SL, is not a valid postcode. I have therefore used the valid postcode stated in the appeal form, OL12 9SL, in the banner heading above.
3. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations), the National Planning Policy Framework 2021 (the Framework) and the Planning Practice Guidance (the Guidance) all confirm that control over the display of advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
4. The Council has not opposed the application on the grounds of public safety. I have no reason to take a different view. I have therefore focused my considerations of the appeal on the effects of the proposed advertisements on amenity. 'Amenity' is not defined exhaustively in the Regulations. It includes aural and visual amenity¹, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest². Additionally, the Guidance advises that, in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement³.

¹ Regulation 2(1).

² Regulation 3(2)(a).

³ Planning Practice Guidance, Paragraph: 079 Reference ID: 18b-079-20140306.

Main Issue

5. In the context of the above, the main issue is the effect of the proposed advertisements on the amenity of the area, having regard to the setting of nearby heritage assets.

Reasons

6. The appeal site comprises the gable ends of No 127-129 Halifax Road (No 127-129), a detached, three-storey building which is currently in use as a post office on the ground floor with residential accommodation above. The building occupies a highly prominent corner position on the north side of the junction of Red Lane with Halifax Road.
7. The surrounding area is of a mixed urban character, predominantly comprising residential properties, but also including retail and commercial premises which possess a variety of small scale signage. The majority of these premises line the western side of Halifax Road to the south of No 127-129. Included within them are 107-109 Halifax Road (No 107-109), which is a Grade II listed building; and the former Entwistle Arms, which the Council submits has been identified as a non-designated heritage asset.
8. No 107-109 is stated to date from circa 1810 and constructed of brick with stone dressings and a stone slate roof. Historically it was four, 1-bay wide, back-to-back weavers cottages with workshops on the top floors and workshops/cellar-dwellings in the basement with separate access, but has been considerably altered. Its special interest and significance are principally derived from its historic interest as a material record of the area's evolution, to which its former use and surviving historic layout and fabric contribute.
9. Limited information is before me as to why the Council has identified the former Entwistle Arms as a non-designated heritage asset. However, I have no reason to dispute the Council's local designation and I note that it has not been challenged by the appellant. From the evidence provided, the building's significance in heritage terms mainly stems from its local value as an element of the neighbourhood's historic development and the collective experience of the local community.
10. For these reasons, both heritage assets (designated and non-designated) are integral and important components of the area's historic evolution and urban built backdrop. I acknowledge that changes to the buildings themselves along with the introduction of new development in the area have diminished the ability to appreciate their significance. Nevertheless, given their identified national and local heritage merit, they still make a positive contribution to the character and appearance of the area.
11. The proposed advertisements consist of two, 3m high by 6m wide by 0.2m depth, internally illuminated, matrix digital displays. Panel No 1 would be mounted on the south facing gable at approximately 4m above ground level, and panel No 2 would be mounted on the north facing gable at approximately 3.5m above ground level⁴. The panels would display rotating static images, which would change every 10 seconds.

⁴ Taken from the application form - Section 11-Details of the Proposed Advertisement(s).

12. The proposal would introduce two very large and notably bright, high-level signs onto conspicuously blank gable elevations of No 127-129. While the panels would be of a standard industry size and would cover less than half of the area on each gable wall, they would be appreciably bigger, at a contrasting position and of a wholly different form to existing signage on premises nearby. As a result, they would appear unduly prominent and discordant within the street scene.
13. The proposed panels would not interrupt direct views of 107-109 and the former Entwistle Arms. However, by virtue of the panels' considerable size, elevated siting, strident illumination and dynamic changing display, they would disrupt and detract from medium to long range views of these heritage assets along Halifax Road, adversely altering how they are experienced and further undermining the ability to appreciate their significance.
14. Given the prominence of No 127-129 within the townscape, these harmful effects to the amenity of the area would be keenly felt by local residents or passers-by when travelling along adjacent public routes.
15. The proposed gable panels would also markedly add to the general proliferation and cumulative totality of signage and advertisement clutter in the area, further diminishing the general amenity of the neighbourhood.
16. The presence of other digital panels on Halifax Road and the A58 in general is highlighted by the appellant, but no information regarding the details and circumstances which led to their acceptance have been provided. The screen at the corner of Halifax Road and Hamer Lane is specifically cited by the appellant. While this screen is similar in size, illumination and display to the proposed advertisements, it is located some distance from the heritage assets. Moreover, its immediate context differs to the appeal property, being located in a more commercial setting near to a Fire Station and Petrol Station. In addition, the screen does not appear to be as elevated as the digital panels proposed as part of the appeal. As such, it is not comparable to the appeal before me and does not justify acceptance of the proposed advertisements.
17. In coming to my decision, I have considered if reducing the proposal to one panel would adequately alleviate the cumulative impacts of signage in the area; as well as whether the standard conditions and those that could be imposed would sufficiently mitigate the effects set out above. However, I find that these would not satisfactorily overcome the harm that I have identified.
18. Accordingly, I conclude that the proposed advertisements would have a harmful effect on the amenity of the area, having regard to the setting of nearby heritage assets. Whilst not decisive, they would also conflict with Policies DM1, P3 and P2 of the Rochdale Core Strategy (2016) insofar as they seek to protect visual amenity; enhance the borough's identity and sense of place by respecting context; and protect the borough's heritage. They would also conflict with the provisions within the Framework which seek to achieve well-designed places; and conserve and enhance the historic environment.
19. The Council's first reason for refusal also cites conflict with its 'Guidelines and Standards for Residential Development Supplementary Planning Document' (the SPD). However, the SPD and its relevance are not referred to in the planning officer's delegated report and no copy of the SPD has been provided. Consequently, I have not referred to it.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR