



Appeal Decision

Site visit made on 25 October 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/W4705/Z/22/3306647

**Advertising Right 900 On Gable Of 4 New Hey Road, Bradford,
West Yorkshire BD4 7HY**

- 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 Urban and Provincial Outdoor Advertising Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02587/ADV, dated 7 June 2022, was refused by notice dated 21 July 2022.
 - The advertisement proposed is 48 sheet (6m x 3m) digital poster on gable wall.
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Decision

1. The appeal is allowed, and express consent is granted for a 48-sheet digital poster board on gable wall with associated logo box. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the regulations and the following additional conditions:
 - The intensity of luminance of the advertisement shall be no greater than 300 candela per square metre during the hours of darkness;
 - No individual advertisements displayed on the panels shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs;
 - The interval between successive displays shall be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays; and
 - The sequential advertisement on any display panel shall not change more than once every ten seconds.

Procedural Matter

2. The Council has utilised policies set out in the Development Plan that it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, the powers under the Advertisement Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. Based on the above, the main issue in this appeal is the effect of the proposed advertisement of the visual amenity of the area.

Reasons

4. The appeal proposal would be located on the gable end of 4 New Hey Road, which is located in a mixed commercial/residential area but predominately commercial in the immediate area.
5. The appeal proposal is set back from the main A650 Wakefield Road and is located to relate to that busy highway, rather than New Hay Road. Nevertheless, it would be seen in the context of the New Hay Road commercial properties, many of which have signage to the front elevations, some of which are illuminated.
6. There is a previous appeal at this location (APP/W4705/Z/20/3260063) for the same size digital advertisement but located at a lower level on the gable end.
7. The previous Inspector stated that the advertisement, whilst being visible, would not be excessive in size. I am in agreement with that assessment and find that whilst the proposal would be more visible than the previously approved advert, that due to the locality and setting, it would not cause sufficient harm to the visual amenity of the area to warrant a change of decision in this instance. The fact that the proposal would cover a small side window on the gable end would not harm that amenity of the building.
8. To reconfirm the findings of the previous Inspector, the appeal proposal would have a proportionate and balanced appearance when viewed against the building and would not result in any material impact on the visual amenity of the area as a result of its setting, siting or illumination.
9. Subject to the imposition of the five standard conditions set out in the Advertisement Regulations and the re-imposition of the additional conditions utilised in the previous approval the advertisement would cause no harm to the visual amenity of the area and would be acceptable in terms of public safety.
10. It would therefore accord with the amenity and public safety aims of Policies DS1 and DS3 of the Core Strategy Development Plan Document (2017). It would also comply with the provisions of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed. This would not be the case in relation to this proposal.

Conditions

11. In addition to the five standard conditions set out in the Advertisement Regulations, further conditions are necessary. It will prohibit moving images and regulates the frequency of image changes and the level of illumination in the interests of highway safety and visual amenity.

Conclusion

12. For the reasons above, the appeal should be allowed.

Paul Cooper

INSPECTOR