The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2022

By E Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2022

Appeal Ref: APP/M0655/Z/22/3303150
34 Church Street, Fairfield and Howley, Warrington, WA1 2SY

- 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 Clear Channel UK Ltd against the decision of Warrington Borough Council.
- The application Ref 2022/41183, dated 7 March 2022, was refused by notice dated 15 June 2022.
- The advertisement proposed is the installation of a wall-mounted illuminated 48-sheet D-Poster display.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive, I have taken them into account as a material consideration.

Main Issue

3. The main issue is the effect of the advertisement on the visual amenity of the area, having regard to host building's status as a locally listed building, its location in the Church Street Conservation Area and the settings of nearby listed buildings.

Reasons

The appeal building, the conservation area and the settings of nearby listed buildings

4. The appeal building is on the north side of Church Street close to is junction with the roundabout junction of the A49 and A57 adjacent to an area of open space. It is part of the locally listed building at 34-38 Church Street. This comprises three early to mid 19th century two storey former cottages in a short row. Built in red brick they are now in commercial use at ground floor level, and are regarded as a non-designated heritage asset under the terms of the National Planning Policy Framework (the Framework).

5. Despite changes to its facade and the introduction of modern windows and other features, the appeal building for the most part retains its legibility and historic form. I find that the special interest of the locally listed building arises from its age and architecture as well as its domestic scale and use of traditional materials.

6. The Church Street Conservation Area is linear in form and covers the frontage elements of the street widening at its eastern end to take in the Church of St Elphin and its churchyard. The Conservation Area Appraisal (CAA) finds that it includes a number of historic buildings including the impressive church and is historically significant as the origin of the settlement of Warrington. It also recognises that whilst some valuable townscape has been lost, the street retains its historic configuration as one of the town's oldest streets, and much of its spatial character. Additionally it notes the dominance of the church as a focal point and unifying element in the conservation area.

7. The appeal property is in the conservation area's West Character Area. The CAA recognises that western Church Street is a wide street with a spacious appearance due to the generous spacing between opposite buildings and the relatively low profile of much of the frontage. It also indicates that whilst the buildings on the north side are at the back of the narrow footway, on the south side they are set back in a subtly curving alignment.

8. Even taking account of the instances of more modern development on Church Street and the mix of uses there, I consider that the significance of the conservation area, in so far as it relates to this appeal, is mainly derived from its historic importance as the origin of the settlement, along with the quality and variety of the historic buildings there and the relationship of these to each other and the distinctive townscape which is characterised by the wide spacious street scene and distinctive landmark parish church.

9. The appeal property's historic form and traditional gable end is in a prominent roadside position at the entrance to Church Street from the roundabout. This being so, and in line with its status as a locally listed building, it contributes positively to the historic character and appearance of the conservation area.

10. There are listed buildings nearby. These include the Grade II listed building at Bull's Head Public House, 33 Church Street (Ref: 1161360) a restored 17th century inn which is an attractive two storey building with cemented front and slate roof. It forms a group with 25-31 Church Street (Ref: 1329732) which is also Grade II listed. This is a pleasing late Georgian brick building made up of a short terrace of former two storey houses with a slate hipped roof. Finally the Church of St Elphin, Church Street is Grade II* listed (Ref: 1329734) and is located at the east end of Church Street. It is an impressive church mainly dating to 1859-67 but with some medieval elements from the 14th century. It is characterised by its distinctive crossing tower and tall spire and, as set out above, is a strong feature in the area.

11. Despite their different ages and architectural styles and types, and accepting that they each have their own particular features of interest and significance, there is nevertheless a cohesiveness to this grouping of buildings. Insofar as relating to this appeal, a common significance is derived from their historic interest as town centre buildings which collectively provide evidence of the role and status of the settlement and its historic development. The settings of these buildings, and the contribution they make to the significance of those

assets, in so far as they relate to this appeal, is derived from the rich historic character of the townscape and its buildings, streets and spaces and their relationship with the church.

12. The Framework defines setting as the surroundings in which a heritage asset is experienced. Despite the intervening distances there is inter-visibility to varying extents between the listed buildings and the appeal site, and some contextual views of the buildings include the appeal building. On approach into Church Street from the west the gable end of the appeal property is a prominent feature, and is read in conjunction with the listed buildings on the other side of Church Street and the church at the other end of Church Street.

13. Thus the appeal building has a visual relationship with the buildings and the townscape, and therefore contributes to their settings. I have had special regard to this matter in considering the appeal.

The effect of the proposed advertisement

14. The proposed illuminated 48-sheet D-Poster display would be located on the building's west facing gable end elevation at first floor level. The internal display area would be some 3 metres by 6 metres with a landscape orientation. The display modules would be enclosed in a pressed metal and reinforced plastic frame which would be fixed to the building using brackets.

15. The LED display would be statically illuminated with images changing every 10 seconds and would be illuminated to a maximum level of 3000 candelas per square metre at night time only. During the day, when ambient light levels are higher, the brightness level would be regulated by way of an ambient sensor. No moving images, video or flashing lights would be displayed and conditions could be imposed to restrict the hours of operation, frequency of display of the images and levels of illumination.

16. The proposed advertisement would not obscure any architectural features on the host building, and some of the brickwork would remain visible around it. Nevertheless, it would cover much of the building's flank elevation and most of its first floor and would be a large and dominating addition to the relatively modest host dwelling which has a traditional appearance and domestic scale despite its commercial use. As well as its scale, the illuminated digital nature of the advertisement would compound its considerable visual impact as a strident modern feature.

17. The National Planning Practice Guidance (the Guidance) indicates that large advertisements are better located in industrial or commercial areas of towns and cities where there are large buildings and main highways. The appeal site is within a town centre location and close to its principal arterial through route. That said, the proposed advertisement would be prominently located on the gable end of the building which is bordered by an area of open space to the west and so is clear and exposed in long unobstructed views from the west.

18. For the reasons given, it would stand out as an incongruous and jarring addition to the historic host building. It would also be appreciated as a highly visible and intrusive feature that would detract from the traditional appearance of the listed buildings opposite the site on the other side of Church Street. These buildings serve to frame views from the west end of Church Street through the conservation area towards the church and its spire. The proposal

would be seen in the foreground of the wide vista afforded down Church Street and would unacceptably detract from important views of the church which is recognised as a key feature and focal point in the conservation area. This would be so despite the church being some distance away and the intervening trees. That long views of the church taken from further east along Church Street beyond the appeal site would remain unaffected does not alter my findings.

19. The proposal would also be seen in the context of other advertisements nearby. There are existing digital advertisements on the north and south gable ends of nearby 3-5 Fennel Street to the north west of the appeal building. The advertisement on that building's south gable end is located at 90 degrees to the appeal building on the other side of the open space and is already a prominent and obvious feature there. The introduction of the appeal proposal would be seen in relatively close proximity to this existing advertisement and I share the Council's concern that it would result in an undue proliferation of such screens in the immediate area. This adds to my concerns as to the visual impact of the proposal.

20. The appellant refers to the presence of other advertisements similar to that proposed in the locality which I saw at my site visit (including the existing poster display on the gable end of 25 Church Street which the Council regards to be unauthorised). However, I am not aware of the full circumstances that led to the display of those advertisements and so cannot be sure that they are same as in the case before me. Nor am I necessarily persuaded that they should be repeated in any event. Thus, these do not serve to justify the appeal scheme.

21. Taking all these factors into account, for the reasons given I conclude that the proposal would appear obtrusive on the host building and would unacceptably detract from the historic townscape and diminish the contribution of the settings of the nearby listed buildings to their significance. Accordingly, I find that the proposal would fail to preserve the settings of the nearby listed buildings. In undermining the settings, which also contribute to the historic significance of the conservation area, the proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would also cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

22. Thus I conclude on the main issue that the proposed advertisement would be harmful to the visual amenity of the area.

23. In coming to this view I have had regard to the Inspector's findings with regard to an appeal[1] at 3-5 Fennel Street and that proposed advertisement's effect on the nearby heritage assets. However, that decision concerns a different building in a different location which does not have the same relationship with the conservation area and the listed buildings as the appeal property. I also confirm that I have considered the appeal proposal on its own merits and made my own assessment as to its potential impact.

24. I am also aware that the appellant indicates that the flank wall of the appeal property was previously occupied by an illuminated 48 sheet advertisement which was displayed with deemed consent. I have seen no comment from the

[1] APP/M0655/Z/21/3284296

Council on this matter. However, that advertisement has since been removed and is no longer in place. Moreover, I am not aware of its precise nature or of the full circumstances that led to its previous display there or to its removal. Thus, it is not a reason to allow an advertisement that I have found to be harmful.

25. In accordance with the Regulations, I have had regard to the provisions of the development plan in so far as they are relevant. The Council refers to Policy QE6 of the Warrington Borough Council Local Plan Core Strategy (Core Strategy) which relates to environment and amenity protection, Core Strategy Policy QE7 which seeks to ensure a high quality place, and Core Strategy Policy QE8 which seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced. It also cites the Warrington Town Centre Supplementary Planning Document, Policy TS8 of which requires proposals to enhance conservation areas, minimising and mitigating any potential negative impacts.

26. Since I have found that the proposal would be harmful to visual amenity and heritage assets the proposal conflicts with these policies. It follows that the proposal would also be contrary to paragraph 136 of the Framework which indicates that poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Other matters

27. The Council raises no objections to the proposal in terms of public safety or the living conditions of nearby occupiers (and there are no objections from the highways authority or environmental health officers). However, the absence of harm in these regards counts neither for, nor against the proposal.

Conclusion

28. For the reasons set out, and having regard to all other matters raised, the appeal is dismissed.

E Worthington

INSPECTOR