



Appeal Decision

Site visit made on 15 November 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/R2330/Z/22/3305650

458 Blackburn Road, Blackburn, Lancashire, BB1 3NJ

- 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 Graeme Hughes (Alight Media Ltd) against the decision of Hyndburn Borough Council.
 - The application Ref 11/22/0064, dated 20 February 2022, was refused by notice dated 8 August 2022.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high and mounted on a two-legged support structure. The unit comprises pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework and the Planning Practice Guidance. Therefore, while I have taken into account the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of it.

Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. The appeal site forms part of a vacant parcel of land adjacent to the A679 Blackburn Road between No 458, a commercial building, and No 456, a 2 storey semi-detached dwelling at the end of a row of residential properties. The area has a mixed character and appearance resulting from the appeal building, the residential uses to the south of the A679 and the large industrial buildings on the north side of the road. The road has a leafy and verdant feel due to the abundant mature trees and the residential hedgerows and gardens.
5. The free-standing LED digital display would be a large feature elevated around 5.5m above the ground and angled to face traffic travelling in an easterly direction. While it would not be out of keeping with the neighbouring modern commercial building with its conspicuous signage, the advertisement would be sited just to the rear of the footway close to the side boundary of No 456. Therefore, it would be widely separated from and not physically or visually well-related to the commercial elements of its setting.

6. The plot that includes the appeal site is currently well vegetated and No 456 is screened from views from the road and footway to the west. If the landscape screening was retained, then the foliage would provide a backdrop to the advertisement and it would not be seen in the context of the neighbouring residential properties nor would it be readily visible in views from the east. However, based on the plans and taking into account the siting of the advertisement close to the boundaries, it seems likely that at least some of the trees would need to be removed to facilitate its installation and in order that it was visible. No tree survey has been provided to demonstrate that effective landscape screening could be retained.
7. The street view photograph from 2009 pre-dates the establishment of the vegetation. It illustrates that, in the absence of the trees, the advertisement and its supporting structure would be seen in close juxtaposition with the neighbouring dwelling. By virtue of elevation, overly large size and proximity, the advertisement would be out of scale, discordant and incongruous in the context of the nearby residential development. Its prominent siting close to the footway and forward of building lines would render it conspicuous. It would dominate views along the road and its scale and height above the ground would be overbearing in close views including from the footway and the nearby dwellings. It would be a visually obtrusive feature that would not make a positive contribution to the area.
8. Even if the boundary shrubs and trees could be retained in the short-term, vegetation is temporary and it cannot automatically be relied upon to screen proposals from view. In this case, the vegetation is not in the neighbouring residential garden such that the neighbours have no control over it. Moreover, while the appellant does not currently intend to remove the trees or develop the plot, this would not be guaranteed over the lifetime of the proposal. Therefore, I cannot be satisfied that the adverse visual impact of the advertisement would be adequately mitigated by landscape screening.
9. Planning conditions could be imposed to restrict the level of illumination, to ensure a smooth transition between images displayed for at least 10 seconds each, to show a black screen in the event of malfunction, and to prevent the display of moving images, animations, videos or images that resemble road signs or traffic signals. However, these measures would not overcome the visual harm by reason of scale, siting and relationship to its surroundings.
10. Therefore, I conclude that the proposed advertisement would harm amenity. Although not determinative, as I have found harm, it would conflict with Policy DM27 of Hyndburn Borough Council Development Management DPD Adopted January 2018 which requires, among other things, that advertisements should be in scale and sympathy with their surroundings and not dominate street scenes or open areas. It would also fail to accord with the advice in the Council's Guidance Note GN4.

Other Matters

11. The advertisement could be used to promote local businesses, thereby supporting the local economy, and it could display messaging by the local Council, highways and emergency services. However, advertisements should be subject to control only in the interests of amenity and public safety and there is no indication in the Regulations, policy or guidance that other matters should be taken into account either for or against a proposal.

12. The advertisement in Nelson (ref 21/0145/ADV) is similar to the proposal insofar as it faces away from nearby dwellings. However, it is on the forecourt of commercial premises and it is screened from the dwellings, which appear to be elevated, by mature planting in the residential gardens. It therefore differs from the proposal, where the screening would not be in the neighbouring garden and there would be no guarantee it could or would be retained. The advertisement in Blackburn (ref 10/21/0243) relates to garage premises adjacent to a main road with commercial buildings to all sides, such that its context is not directly comparable to the appeal scheme. The acceptability of advertisements elsewhere does not provide a justification for the proposal.

Conclusion

13. For the reasons set out above, I conclude that the proposed advertisement would harm amenity. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR