



Appeal Decision

Site visit made on 22 November 2022

by Peter D Biggers BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/Z4718/Z/22/3307185

122 Lockwood Road, Lockwood, Huddersfield HD1 3QX.

- 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 Paul Hardy (Vivid Outdoor Media Solutions (A) Ltd) against the decision of Kirklees Council.
 - The application Ref 2022/64/92224/W, dated 30 June 2022 was refused by notice dated 24 August 2022.
 - The advertisement proposed is installation of 1 x 48 sheet gable mounted digital advertising display unit measuring 6.2m wide and 3.2 m high and comprising pressed metal frame with sealed LED screen.
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Decision

1. The appeal is dismissed

Main Issue

2. The Council raises no issue in respect of public safety subject to the imposition of conditions and, having assessed the proposal, I have no reason to disagree. The main issue in this case is therefore the effect of the advertisement display panel on the visual amenity of the surrounding area and the listed building opposite.

Reasons

3. The proposed digital advertisement display panel, the subject of the appeal, would be sited on the gable end of No 122 Lockwood Road a two storey end of terrace stone built property used at ground floor as a takeaway. The gable end currently accommodates a smaller externally illuminated sign for the takeaway (Snootys).
 4. The character of the area is one of a mixture of commercial and residential uses on Lockwood road itself and more consistently residential use on side roads on the west side of Lockwood Road such as St Stephens Road which the appeal site faces onto. The approach to the proposed panel from the north would be through a section of Lockwood Road where the buildings are predominantly 2 storey and stand directly on the back of pavement line. It is only south of the appeal site where the road opens out more on the east side and there are larger commercial buildings and the aspect is more open. I am not therefore persuaded that the context in which the panel will be seen is one of large buildings and a commercial area of large open scale which the *Planning Practice Guidance* (PPG) suggests are the areas where such signage would be appropriate.
 5. Signage on Lockwood Road is limited to smaller scale signs related to the businesses trading along the road (including some totem signage) and small bus stop signage. There appeared to be no large format advertising panels digital or otherwise in the vicinity.
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6. I have been referred to a number of examples elsewhere in the Kirklees Council area and neighbouring areas of digital panels. However, none of these are in the vicinity of the proposed panel nor is it clear from the submissions the extent to which these are entirely comparable cases. I do not therefore consider that issues of consistency are raised and I will determine the appeal case on its own merits.
7. Notwithstanding the appellant's position that there are no listed buildings in the vicinity, No 81 Lockwood Road sits diagonally opposite the appeal site and is listed. I acknowledge that the listed building is not immediately adjacent to the proposed panel and the panel and the listed building would not be viewed together in the approach from the south. However, approaching from the north on Lockwood Road, the proposed panel would be viewed as part of the setting to the listed building. The scale of the panel and its illuminated form in this context would add visual clutter and harm to the setting of the listed building. This harm is a material consideration when considering the effect on 'amenity' as the *Advertisement Regulations* state that factors relevant to 'amenity' include the presence of any feature of historic, architectural, cultural or similar interest.
8. It has been put to me that any residential properties are at some distance to the proposed panel and with oblique views of it. However it was clear from the site visit that this is incorrect. There are residential properties on the south side of St Stephens Street directly opposite and facing the appeal site and which would be only about 28 metres from the proposed panel. Given this relationship the digital display would be likely to have an adverse impact on residential amenity. I accept that controls on luminance and the operation of the display can be attached by condition. However even switched off between midnight and 7.00am during the winter (as proposed) this would still mean 6 to 8 hours of darkness during which the light from the panel would be intrusive for residents with windows overlooking the panel.
9. It has been brought to my attention that historically there was a gable mounted advertisement hoarding on the property which the appellant considers supports the proposal because the location was previously considered appropriate. However as the panel was of a different type and no longer exists the argument is irrelevant in my determination regarding the impact on amenity from the proposed panel.
10. Notwithstanding the fact that the panel would replace the small sign relating to the takeaway, the scale of the panel on the gable would be approximately 4 times the size of the existing sign and overly large and dominant for the location and more in keeping with a city centre location which this is not.
11. The proposal would be a material and adverse change in the visual and residential amenity of this part of Lockwood Road. I have taken into account policies 24, 25 and 35 of the *Kirklees Local Plan* (KLP) which seek to influence design and advertising and protect historic assets respectively and so are material in this case. Given that I have concluded the proposal would harm visual amenity and the setting of the listed building, the proposal also conflicts with these policies.

Other Matters

12. I have been invited to conclude that advertising is an important part of commercial areas and that the proposed panel would enhance the location adding interest and vibrancy to the locality in what is a commercial area on a main arterial route out of Huddersfield. However, whether there are commercial benefits to the proposal is not something that the regulations and the PPG allow me to take into account.

Conclusion

13. For the reasons given above and having regard to all matters raised, I conclude that the proposed gable-mounted advertisement display panel would have an appreciable adverse impact on the surroundings. It is therefore contrary to the *National Planning Policy Framework* at paragraph 136 and advice in the PPG regarding amenity considerations. The proposed sign would be detrimental to the interests of visual and residential amenity and the appeal should be dismissed.

P. D. Biggers

INSPECTOR