

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/21/3289092

Land at Wakefield Road, Moldgreen, Huddersfield HD5 9AN.

- 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 Wildstone Estates Ltd against the decision of Kirklees Council.
 - The application Ref 2021/64/93105/W dated 27 July 2021 was refused by notice dated 27 October 2021.
 - The advertisement proposed is erection of illuminated hoarding sign.
-

Decision

1. The appeal is dismissed

Procedural Matters

2. No site address was listed in the application form I have therefore taken the address as set out on the Council's decision notice.
3. The application was submitted as an upgrade to an existing advertising panel however as this had been removed by the time the application was made, I have taken the description from the decision notice and for the purposes of my determination have treated the application as one for a new advertising panel.

Main Issue

4. The Council raises no issue in respect of public safety subject to the imposition of controlling 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 of Wakefield Road and the settings of nearby listed buildings.

Reasons

5. The proposed digital advertisement display panel, the subject of the appeal, would be sited in a break in the frontage buildings between Nos 117 and 141 on the north side of Wakefield Road. It would be mounted at an angle to the road facing south-east and standing in front of a dark stained timber fence screening the yard to some commercial buildings to the north.
 6. Wakefield Road (the A629) in front of the appeal site takes the form of a busy dual carriageway and frontage buildings are mainly commercial with some residential at upper levels on the north side. A large Lidl supermarket and its car park sits opposite the appeal site.
 7. I have been referred to what the appellant considers are comparable examples
-

elsewhere in the Kirklees Council area of upgrades to digital panels which have been granted consent. However, as admitted by the appellant neither of these involve heritage assets. Although two more consented cases from Bradford were also cited by the appellant where heritage assets were nearby, it would appear from the submissions that the existing larger poster advertising boards were still present and were to be replaced by the smaller digital display which is not the case on Wakefield Road. It is not 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.

8. The Lidl store on Wakefield Road, I accept, features totem signage and one display panel for poster advertising for its own use to the southern boundary of the car park but otherwise the signage in this area of Wakefield Road is all small scale and generally related to individual businesses. I am not therefore persuaded that it is an established area for large scale commercial advertising.
9. The frontage buildings on the north side of Wakefield Road include a number of listed buildings, the closest to the appeal site being Nos 111 and Nos 143-147.
10. It has been put to me that as the listed buildings are not immediately adjacent to the proposed panel and separated by unlisted buildings there would be minimal impact. However, in respect of Nos 111 and 143-7 Wakefield Road the proposed panel would be viewed as part of their setting both in the approach along Wakefield Road westbound and from the public domain around the Lidl store. The scale of the panel and its illuminated form in the context of these buildings would have an adverse impact on the setting of the listed buildings on this section of Wakefield Road. 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. I acknowledge that other aspects of the setting to the listed buildings may already be visually detracting but this does not justify the addition of the digital display panel which would add a large scale discordant feature to the setting.
11. Although it has been argued that the harm is not substantial and public benefits exist from the proposal, the presence or otherwise of public benefits set out in the *National Planning Policy Framework* which should be assessed in respect of planning and listed building consent applications is not a test that applies in respect of advertisements.
12. Whilst I accept that the scale of the digital panel as a 48 sheet, 6 metre x 3 metre panel is becoming common as a format; in the context of the immediately adjacent domestically-scaled two storey buildings to the west against which it would be viewed, the panel would appear out of scale and dominant in the streetscene, its presence accentuated by the illumination. I acknowledge that the proposed sign would be smaller than the signage, which was previously displayed in this area but as noted above, this signage has been removed and there would therefore be no gain achieved from this smaller panel particularly in an immediate context where large scale advertising is not prevalent.
13. It has been put to me that the area is generally well lit with street lighting, bus stop advertising and the brightly lit frontage of the lighting shop adjacent and in that context the digital illumination would not be intrusive. Whilst I agree that

the LED illumination could be controlled including reduced levels at night by condition such controls will not of themselves remove the harm to visual amenity from the panel in operation.

14. The proposal would be an adverse change in the character and visual amenity of this part of Wakefield 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 I have concluded that the proposal would harm visual amenity and the setting of listed buildings, the proposal also conflicts with these policies.

Other Matters

15. It has been put to me that there would be a number of benefits in installing the digital display panel in that their installation reduces the number of advertising panels overall and that their operation is more sustainable in reducing the use of materials and maintenance trips etc. While this may be the case, the *Planning Practice Guidance* advice is very clear that the principal matters to be taken into account are visual amenity and public safety. In any event whilst the installation of digital panels may result in a reduction in the number of advertisement sites overall, in this particular case on Wakefield Road the proposal is putting a panel back where the previous panels had been removed so a reduced incidence of panels overall is of no benefit to visual amenity locally. I am not therefore satisfied that other relevant factors would outweigh the harm to amenity.

Conclusion

16. For the reasons given above and having regard to all matters raised, I conclude that the proposed free standing advertisement display panel would have an appreciable adverse impact on the surroundings and in particular the settings of listed buildings. 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 amenity and the appeal should be dismissed.

P. D. Biggers

INSPECTOR