



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: 13th December 2022

Appeal Ref: APP/A4710/Z/22/3306923 7-11 New Road, Halifax HX1 2LH.

- 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 Brad Asquith against the decision of Calderdale Council.
 - The application Ref 20/10010/ADV, dated 29 June 2020 was refused by notice dated 3 August 2022.
 - The advertisement proposed is advertising poster display board to gable of 7-11 New Road.
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Decision

1. The appeal is dismissed

Main Issue

2. The Council raises no issue in respect of public safety and having assessed the proposal I have no reason to disagree. The main issue in this case is therefore the effect of the poster display board on the visual amenity of the surrounding area of New Road and the Halifax Town Centre Conservation Area.

Reasons

3. The proposed 6 metre x 3 metre poster display board, the subject of the appeal, would be sited on the rear to side elevations of Nos 7-11 New Road a two and a half storey brick and stone-built terraced building with commercial space on the ground floor and residential on the upper floors.
 4. The building has a retail/commercial frontage to New Road whilst the rear and angled gable elevation (the site for the advertising panel) faces onto New Road car park. The character of the area is one of car parking and service yards to the town centre retail area on the north side of the car park but to the south it is more mixed with a considerable amount of residential usage. To the east there are important distant views to the hills above Halifax.
 5. In addition to a substantial amount of operational signage in the two sections of the New Road car park either side of Union Street there are already two large advertising panels at the lower (eastern) end of the car park reportedly with deemed consent due to the time they have been erected but no record of express consent. There is also a large advertising panel on a blank gable at the western end of the New Road car park. I have been invited to conclude that these are part of the established character of Halifax town centre and that the proposed advertising would continue that character. However, for the reasons below I am not persuaded that this would be the case.
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6. It has been brought to my attention that historically there was gable mounted advertising on the appeal property which the appellant considers supports the proposal because the location was previously considered appropriate. However, as this advertising no longer exists, the argument is irrelevant in my determination regarding the impact on amenity from the proposed panel.
7. The proposed poster display panel would be set at a high level on the angled gable to Nos 7-11. This gives rise to a number of concerns which do not apply to the same extent to the existing advertising boards referred to. Firstly, when viewed from the north across the car park, the panel would be viewed not in the context of the large scale commercial buildings of the town centre but at a high level on the more domestically-scaled terraced buildings of New Road typical of the south end of the Conservation Area. Secondly viewed from the upper end of New Road and the junction with Union Street the panel would be highly visible and dominant, again in the context of the attractive domestic terraces of New Road and Union Street rather than the commercial buildings of the town centre. Finally the high level setting of the panel places it very firmly in the eyeline and in an obtrusive position in the long distance view out to Beacon Hill above Halifax.
8. When dealing with an appeal for an advertisement in a conservation area, the test from S72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* is that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that (conservation) area*". This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity' as the *Advertisement Regulations* state that factors relevant to 'amenity' include the presence of any feature of historic, architectural, cultural or similar interest.
9. The introduction of a further advertisement panel in the area around the New Road car park, which already has a significant level of signage clutter, particularly given the proposed scale and height, would give rise to cumulative harm to the Conservation Area. Far from contributing to the 'feeling of splendour and dignity that defines the town centre' it would fail to preserve it and therefore the statutory test would be failed. Whilst it has been put to me that the appeal site is near the edge of the Conservation Area, to help justify advertising in this location, I am not persuaded that this is in the least relevant. Conservation Areas and their extent and boundaries are carefully justified at designation and there is no distinction to be drawn whether the site is in the middle of the Conservation Area or near its edge. The responsibility on the decision maker to ensure the character or appearance of the area is preserved or enhanced is the same.
10. It has been put to me that there would also be harm to the setting of listed buildings in the vicinity. However given the intervening distances and the main viewing angles of the panel relative to the listed buildings I am not persuaded that the impact on the setting of listed buildings in the area would be significant.
11. The proposal would be a material and adverse change in the visual amenity of this part of New Road and, particularly in combination with other signage and advertising, would harm the character and appearance of the Conservation Area.

Other Matters

12. I have been referred to the fact that Halifax town centre is in decline and that some well-placed advertising panels would not be discordant but would add to the character and individuality of buildings and should be supported. Whilst in the right locations well designed advertising may support the commercial function, the

Planning Practice Guidance advice is very clear that the principal matters to be taken into account are visual amenity and public safety. I am not satisfied that in this Conservation Area location any commercial benefit the proposed advertising may have would outweigh the harm to amenity.

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 amenity within the Conservation Area and the appeal should be dismissed.

P. D. Biggers

INSPECTOR