The Planning Inspectorate

Appeal Decision

Site visit made on 3 January 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/E2734/Z/22/3311910
Land adjacent filling station, West side of Ripon Road, Harrogate HG1 2BX

- 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 (c/o Alight Media) against the decision of Harrogate Borough Council.
- The application Ref 22/03647/ADV, dated 12 September 2022, was refused by notice dated 16 November 2022.
- The advertisement proposed is the erection and display of a single freestanding LED digital 48-sheet display.

Decision

1. The appeal is dismissed.

Main Issue

2. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. The main issue of the appeal is the effect of the proposed advertisement on visual amenity as the assessment regarding public safety is not disputed.

Reasons

3. The appeal site is located in a prominent position adjacent the main public highway leading into the centre of Harrogate and is readily visible from a number of public viewpoints.

4. The surrounding area is largely characterised by commercial uses and whilst there are other advertisements/street furniture in the immediate vicinity of the appeal site, such features are generally related to the use of the premises on which they are sited. I noted on my site visit those advertisements in the vicinity are largely non illuminated and are of a smaller scale which do not appear out of keeping when viewed against the context of their associated site.

5. The proposed advertisement would be positioned along a strip of grassed/paved land which is free from any buildings and advertisements and despite the surrounding commercial context, the land in question falls away and the backdrop does not therefore appear commercial when viewed from the main road.

6. The proposals would introduce a freestanding structure of a significant height and width which would be internally illuminated across the whole width of the display screen. This, together with the location on an otherwise vacant and open parcel of land would appear as a visually prominent and obtrusive

feature, at odds with other advertisements and the general character of the area.

7. I note that the illumination will be adjusted by light sensors to ensure it would not be overly bright and would conform to the Institute of Lighting Engineers Technical report specifications. I also note the appellant's suggested conditions regarding the illumination and display. However, this would not reduce the advertisements physical visual prominence in this location as it would still be excessive in terms of overall width and height where the eye would be unacceptably drawn to its presence.

8. I appreciate that such advertisements are not unusual features in built up areas such as town centres and that it would have a commercial context including colour to the display. However, the advertisement is still too big in this location. Although the site is free from other advertisements, the proposed advert would still unacceptably increase the level of advertisements in this location and thus leading to an unacceptable increase in clutter to the street scene.

9. I conclude that the proposed advertisement would harm the visual amenity of the area. I have taken into account Local Plan Policy HP3 and the guidance in the National Planning Policy Framework (the Framework) which together, amongst other things, requires development to protect, enhance or reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments. Given I have concluded that the proposal would harm visual amenity, the proposal would conflict with this Policy and the Framework.

Other Matters

10. I note that the site is not located within an area of any features of historic, architectural, cultural, or similar interest and that there are no residential properties located nearby. I also note that the proposed advertisement would be located close to the town centre and would be let or rented out to local businesses and advertisers as well as being utilised for public information campaigns or emergency messages. However, as the appeal proposals relate to advertisement consent only, the regulations require that I exercise my powers only with regard to amenity and public safety although the latter is not a consideration for me in this instance. In any event, such matters would not outweigh the harm I have identified.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR