



Appeal Decision

Site visit made on 31 January 2023

By E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/X4725/Z/22/3310313

34 Pincheon Street, Wakefield, WF1 4DT

- 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 Wakefield Council.
 - The application Ref 22/01586/ADV, dated 15 July 2022, was refused by notice dated 16 September 2022.
 - The advertisement proposed is the erection of a digital 48 sheet advertisement hoarding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive, I have taken them into account as a material consideration.

Main Issue

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

Reasons

4. The appeal site comprises a two storey detached building in Wakefield city centre which is in use as a car servicing garage. It is located immediately adjacent to Marsh Way a busy arterial road. There is a mix of uses nearby, including commercial and industrial as well as some residential units.
5. A large LED display is already sited on the building's south flank elevation. This was allowed on appeal¹ and replaced an externally lit advertisement there. The proposal seeks consent for a further large digital display to the front elevation of the building facing towards Marsh Way. It would be 6 metres wide by 3 metres high and located around 3.1 metres above ground level in an angled position. The appellant confirms the existing sign for the garage there would be removed to make way for the proposed display.

¹ APP/X4725/Z/21/326839

6. The National Planning Practice Guidance (the Guidance) indicates that large advertisements are better located in industrial or commercial areas of towns and cities where there are large buildings and main highways. I appreciate that the appeal site is within a city centre location, close to an arterial through route, in a well-lit area with commercial uses, street lights and other advertisements nearby.
7. The display would be lightweight, durable and efficient and erected with minimal engineering. It would be mounted on an angled frame which would protrude some 0.5 metres from the building's front elevation. Static LED images would change every 10 seconds and would be illuminated to a maximum level of 3000 candelas per square metre at night time only. The appellant indicates that the brightness levels would be controllable and may well in practice be below maximum levels for cost reasons.
8. During the day, when ambient light levels are higher, the brightness level would be regulated by way of a sensor (to ensure the advert looks like a non-illuminated display). No moving images (or swiping or merging of images), video or flashing lights would be displayed and conditions could be imposed to restrict the hours of operation, frequency of display of the images and levels of illumination.
9. That said, despite its commercial use the appeal building has a relatively modest scale and has some features to its front elevation including window openings at ground and first floor (albeit that the ground floor openings are blocked up). Given its considerable size, even though it would not exceed the building's eaves or roof ridge or affect the skyline, the proposed display would cover much of the building's front elevation. Whilst it would be positioned just below the bottom of the first floor windows, it would also partially obscure two of the blocked up ground floor openings.
10. Given the prominent position of the appeal building directly facing onto Marsh Way at close quarters, the proposed display would be highly visible. It's angled projection forward of the front wall of the building would result in it being seen in long range views on approach from the north. I consider that the display would appear as an unduly large and obtrusive addition which would dominate the building's primary elevation, fail to respect its features and appear as a unsympathetic and discordant display that would be prominent both on the host building and in the street scene.
11. Additionally, it would introduce a further considerable advertisement to the building which already has a large display on its south flank elevation. Whilst the proposed display would be on that part of the building's front elevation that is set away from its south flank elevation, it would nevertheless be appreciated in some views alongside that existing display.
12. Even taking into account its angled position and accepting that the side of the proposed display would not be illuminated, it would nevertheless be visible alongside the existing display in some views from Marsh Way (particularly on approach from the south and from opposite the site). Whilst the proposed display would be of similar dimensions and design to the existing display and generally consistent with it in terms of appearance, the proposal would result in an undue and overwhelming proliferation of large displays on the relatively small building and in the immediate area.

13. I understand that the proposal is part of a project to modernise and upgrade the existing stock of paper and paste billboards and to consolidate and reduce the number of advertising displays across the network. The appellant argues that this programme has lowered the number of sites required, thereby reducing advertising clutter on a strategic level.
14. Be that as it may, I have seen no evidence to explain which, if any, existing advertisements in the vicinity of the appeal site would be removed. This being so, it remains that the proposal would introduce a second large display to the appeal building, the cumulative visual impact of which would detract from the character and appearance of the building and the area. This would be so particularly during the hours of darkness when the illuminated nature of both signs collectively would be visually pronounced.
15. Taking all these factors into account, for the reasons given I conclude that the proposal would appear obtrusive on the host building and would unacceptably detract from the character and appearance of the surrounding area. That the building is not of any particular architectural significance, and that the site is not within a conservation area or close to heritage assets, does not alter my view. Thus I conclude on the main issue that the proposed display would be harmful to the visual amenity of the area.
16. In coming to this view, I appreciate that the proposed display is the smallest form of large format outdoor advertising and is not uncommon across the country and in the local area. I have also had regard to the appeals referred to by the appellant relating to both the appeal building and elsewhere in Wakefield. Furthermore I am conscious of the importance of consistency in decision making and note the appellant's reference to caselaw in this regard.
17. However, I am not aware of the full circumstances that led to the display of those advertisements and so cannot be sure that they are the same as in the case before me. I note for example that the LED display allowed at the appeal site was a replacement for an existing advertisement, and that the other example referred to concerns a freestanding display. This being so, they differ from the appeal proposal. Besides, I confirm that I have considered the appeal proposal on its own merits and made my own assessment as to its potential impact.
18. In accordance with the Regulations, I have had regard to the provisions of the development plan in so far as they are relevant. The Council refers to Policy CS10 of the Wakefield Core Strategy which seeks to secure good design and improve places through raising the quality of the built environment. Reference is also made to Policies D9 and D16 of the Wakefield Local Development Framework Development Policies Document which respectively seek to ensure high quality design, and advertisements which are consistent with the character of the building in terms of scale, quality and materials (a), and respect the character of the locality (b).
19. Since I have found that the proposal would be harmful to visual amenity it conflicts with these policies. It follows that the proposal would also be contrary to paragraph 136 of the Framework which indicates that poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Other matters

20. The appellant refers to a number of benefits associated with the proposal. These include the environmental benefits and carbon savings of reducing vehicle trips to re-post traditional hoardings at surrounding sites, and those which arise from reducing waste associated with the production of paper. It is also argued that the energy requirements of LEDs are lower than those of traditional halogen lighting. However, whilst appreciating the appellant's national upgrading programme and the likely benefits across the board, as set out above, it has not been put to me which, if any, existing display would be removed as a result of the appeal proposal.
21. In terms of economic benefits, it is argued that where displays are upgraded they result in an uplift in rent, which leads to increased business rates. However, there is no display to be upgraded in this instance. With regard to social benefits, I understand that in void periods there would be opportunities to advertise charitable campaigns, public art and emergency messaging. That said, I am unaware as to the likely duration of any such void periods or as to how any such social users of the display would be secured and ensured in practice.
22. Therefore, even taken together I am not persuaded that these benefits are sufficient to outweigh the harm that I have identified in relation to the main issue in this case.
23. Additionally, whilst the appellant argues that the appeal site is lacking in investment, for the reasons set out above, I am not convinced that the appeal proposal would upgrade or improve the appearance of the area.
24. The Council raises no objections to the proposal in terms of the living conditions of any nearby residential occupiers or with regard to public safety. However, the absence of harm in these regards counts neither for, nor against the proposal.

Conclusion

25. For the reasons set out, and having regard to all other matters raised, the appeal is dismissed.

E Worthington

INSPECTOR