



Appeal Decision

Site visit made on 14 February 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/W4705/Z/22/3312208

609 Huddersfield Road, Wyke, Bradford BD12 8HJ

- 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 Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03372/ADV, dated 21 July 2022, was refused by notice dated 10 October 2022.
 - The advertisement proposed is the erection of a new digital poster display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A paper billboard at the same location was removed at some point between July 2021 and September 2022. For the avoidance of doubt, I have assessed the appeal proposal against the current site circumstances.

Main Issue

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

Reasons

4. The subject property is a traditional building comprising a ground floor café and residential above. The building fronts on to a wide road junction, in a generally residential area alongside some commercial and community uses. Due in part to the width of the road, the area along it has an open character with long range views. On the appeal side of the street there is a relatively consistent impression of a terrace pattern of buildings set against the back of the pavement.
5. The appeal proposal is for a digital poster display to be sited on the upper part of the property's side gable, adjacent to the garden and dwelling of No. 607 Huddersfield Road. The proposed advertisement would not overhang or protrude beyond any extremities of its host. However, it would extend slightly up above the eaves, meet the ridgeline, and match the gable edge. This large scale and positioning would therefore overwhelm and unbalance the existing property, and thus cause harm. The proposal would be unduly prominent, and would not respect the character and visual amenity of the host building.
6. The advertisement would also be highly prominent in short and long views along the adjacent street approaches. The few existing advertisements within

the immediate context are only small-scale such that they do not affect the overall residential character. The insertion of this large digital proposal on the gable would be an incongruous commercial feature, which would therefore have a negative impact on visual amenity and the residential character.

7. Notwithstanding the existing street-lighting, during the hours of low natural light or darkness the advertisement's overall prominence would be further heightened due to its illumination and changing images. This would be despite the proposed use of technology to achieve varying levels of illumination, including to provide a similar impression to that of traditional paper advertisements. I acknowledge that the proposed illumination appears in line with industry standards, including that it would respond to changes in daylight, have no moving content, and a set frequency of image change. However, these aspects would not sufficiently mitigate the harm identified above.
8. The proposed advertisement would also be particularly visually intrusive when viewed from the adjacent residential dwelling at 607 Huddersfield Road. I note that a maximum luminance significantly below that recommended by the Institute of Lighting Professionals has been suggested specifically to mitigate the potential impact on this dwelling. I also acknowledge the light spill diagram which indicates that light would not directly shine into windows. However, the proposed advertisement would be in very close range views from the No. 607 windows, front and side garden, and front balcony. Due to this proximity, for the reasons outlined above the visual amenity from this dwelling would be particularly harmed. That its occupiers did not lodge a formal concern to a previous billboard, does not affect the consideration to which I give their current objection and that property's relationship with the proposed advertisement.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policies DS1, DS3, and DS5 of the Bradford Core Strategy Development Plan Document (2017) are relevant. They seek to achieve good design and high quality places, and to ensure that new developments are appropriate to their context, make a positive contribution to people's lives, and do not harm the amenity of existing or prospective users and residents. They require proposals to respond to the existing positive patterns of development which contribute to the character of the area in relation to scale, details, and materials. Furthermore, paragraph 130 of the National Planning Policy Framework (2021) requires developments to add to the overall quality of the area, be sympathetic to the surrounding built environment, and provide a high standard of amenity for existing and future users. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

Other Matters

10. The Council has raised no concerns in regard to the appeal proposal's potential impact on public safety, and I come to the same conclusion.
11. The site hosted a paper billboard from at least 2008, with the same positioning, height, and width as the appeal proposal. The main parties agree that this billboard gained deemed consent under the Advertisement Regulations. It was also externally illuminated for some of this period prior to 2019. This billboard is no longer displayed at the site, and I have seen no evidence that it would still benefit from deemed consent if replaced on the gable end. As such, I do

not find it to be a realistic fallback position compared to the appeal proposal. I therefore give very limited weight to the lack of Council action or recorded complaints against that billboard or its external lighting.

12. The appellant suggests environmental benefits such as the reduction in energy consumption, and reduced personnel visits. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety.

Conclusion

13. For the reasons given above I conclude that the advertisement would be detrimental to the interests of visual amenity, and therefore the appeal is dismissed.

L Hughes

INSPECTOR