



Appeal Decision

Site visit made on 24 February 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/W4705/Z/22/3311823

Land At Little Horton Lane, Bradford BD5 9AW

Easting(x): 415035 Northing(y): 431050

- 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 Securities Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03888/ADV, dated 24 August 2022, was refused by notice dated 2 November 2022.
 - The advertisement proposed is described as 'the removal of two existing paper and paste billboards and replacement with one digital billboard'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reason for refusal refers to Policies DS1 and DS3 of the City of Bradford 'Core Strategy Development Plan Document (CS)'¹. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account insofar as they are material to matters of amenity, they have not been decisive in my consideration of this appeal.
3. The Council have not objected to the proposal on grounds of public safety, nor have I been presented with any further compelling evidence to lead me to reach an alternative conclusion on this matter. I consider the matter of conditions related to public safety separately below.
4. Having regard to the above, the main issue in this instance is the effect of the proposal upon amenity.

Reasons

5. The appeal site is currently occupied by two 'paper-and-paste' billboards which are mounted within a longer stretch of timber fencing between properties on Little Horton Lane and Lemon Street. The existing billboard closest to Lemon Street (the southern billboard) is externally illuminated, the other is not.

¹ Adopted July 2017

6. Little Horton Lane to the south of the appeal site is a busy, wide single-carriageway road with parallel roads on either side of it serving residential properties and a school. There are also residential properties opposite the site on the opposite side of Little Horton Lane, and on Lemon Street, where a residential property backs on to the rear of the existing installation.
7. The proposal is for a single digital billboard to replace the two existing advertisements. It would be approximately the same size as each of the existing individual advertisements, albeit mounted slightly higher within the existing timber fence structure. It would also be mounted slightly closer to the building to the north of the site on Little Horton Lane within the fence that spans the gap between the corner of Lemon Street and the property to the north on Little Horton Lane.
8. The Council acknowledge that the proposal would tidy up the site, provide it with a cleaner appearance and would not result 'in a materially net negative impact' on the appearance of the surrounding area. I agree. A single advertisement of the scale proposed would be broadly consistent with the scale of the blank two storey gable behind and be largely seen against it on approach from the south. Its location, slightly further north within the line of the fence closer to the building would further assist in this respect.
9. However, the images presented by digital advertisement displays are often sharper, and can appear brighter, than those of conventional externally illuminated advertisements. The regular refresh of images afforded by digital display panels further exacerbates the sharper and somewhat stark appearance of the image itself. Although I have noted the content of the appellant's suggested conditions regarding, amongst other matters, luminance levels, a digital display in this location would be a constant, strident and particularly visible presence for nearby residents in what is, despite the busy nature of Little Horton Lane, a predominantly residential setting.
10. In the absence of an overt commercial presence nearby to put the site into some context, the stark and sharp appearance of images within the proposed display would be at odds with the residential character and appearance of the site's surroundings. Even restricted to the levels suggested by the appellant, without a nearby commercial context the nature of the digital display would be an incongruously stark and dominant feature against the muted residential backdrop afforded to the site. As a consequence, I find that the proposal would harm the visual amenity of the area and of nearby residents.
11. I was not struck by any particular sense that the existing signage was harmful to the amenities of the local area through neglect or their physical condition. Whilst a reduction in the number of display panels in this location would be beneficial to amenity, I am not persuaded that a single digital panel in this location would be appropriate or avoid harm to amenity.
12. CS Policies DS1 and DS3 set out the Council's approach to securing good design and high-quality places. As I have concluded that the proposal would harm amenity, it would also conflict with these policies, and with the guidance set out at paragraph 136 of the National Planning Policy Framework, which recognises that the character and quality of places can suffer when advertisements are poorly sited and designed.

Other Matters

13. My attention has been drawn to two nearby examples on Manchester Road² where digital billboards have replaced existing advertisements. These, the appellant states, should serve to provide a basis for consistency in decision making³. I have before me only limited information regarding these two examples. However, it is clear from the written descriptions provided in each instance that the context in which those signs are seen differ from that in which this proposal is experienced. I am not persuaded that these examples provide direct comparability with the scheme before me and I therefore afford these matters limited weight.
14. In support of the proposal, the appellant has set out a range of benefits arising from the replacement of traditional paper-and-paste advertisements with digital display panels. Thus, the proposal would reduce the number and frequency of visits to the site for maintenance and poster replacement and reduce waste from discarded posters. It is also stated that investment in digital panels can have knock-on benefits in terms of local rent uplift, that the nature of the display means that local, social, charitable and non-profit organisations and campaigns, as well as public art, can be displayed whilst the readily changeable nature of the digital display means that emergency and public messages can also be communicated to local areas. However, these factors whether individually or cumulatively, are not sufficient to outweigh the amenity harm that I have identified.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR

² APP/W4705/Z/20/3245254 and LPA Ref No: 20/04313/ADV

³ Citing North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P. & C.R. 137