



Appeal Decision

Site visit made on 7 February 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/X4725/Z/22/3312153

27 Westgate End, Wakefield WF2 9RG

- 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 Ben Porte of Clear Channel UK against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/01570/ADV, dated 20 July 2022, was refused by notice dated 19 October 2022.
 - The development proposed is installation of wall mounted illuminated 48-sheet D-Poster (digital) display.
-

Decision

1. The appeal is allowed, and express consent is granted for proposed installation of wall mounted illuminated 48-sheet D-Poster (digital) display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the conditions in the attached Schedule.

Main Issues

2. The main issues are the effect of the advert on the amenity of the area and public safety.

Reasons

Amenity

3. The proposed advert would be located on the gable elevation of a two-storey terraced building, No 27 Westgate End. The host building is within a short, terraced row of shops within a local retail centre which extends along the adjoining A-road. On the opposite side of the road is a residential area of two storey houses. The building is also located next to a bridge over a watercourse, adjacent to which is a mini urban park, and close to a retail park.
4. I understand that the gable elevation was built following the demolition of adjacent terraced houses and there has been no advert in this location previously.
5. Although the signage would be large, it would not be out of scale with the size of the elevation. Even if the park was open, the presence of an advertisement on this site, close to a busy four lane A-road, within a local commercial centre and with the backdrop of the local retail park, would not detract from the visual amenity of the site.

6. Although the sign would be illuminated, it would be viewed within the context of the adjoining businesses and adverts that already exist on premises leading up to, and beyond the site. This includes the signage found on No 27 itself, and the adjoining shops. Whilst the signage on other businesses in the vicinity is smaller than the proposed advert, most of the buildings have large fascia signs, and so there is already a wide range of signage close to the site, which gives the area something of a commercial character.
7. The site is in an area where there are existing lighting columns and, in this location, where commercial premises have both daytime and evening trade, there is already significant lighting. As such, the proposal would be within a well-lit, urban environment, where such signage is not untypical. Therefore, it would not appear as 'unnecessary visual clutter' or be an unsuitable location for signage. An illuminated sign would therefore not add significantly to the existing lighting levels within the area or dominate the site and the surroundings and would not harm the visual amenity of the area.
8. I have taken into account Policies D9 and D16 of the City of Wakefield Local Development Framework, April 2009, which seeks to protect the character of the area and amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Public safety

9. The road adjoining the proposal, the A638, is wide and straight, with four lanes divided by a narrow central division. The urban traffic flow along this stretch of road, is, however, controlled by a speed limit of 30mph and the position of traffic lights further along Westgate Road, and before entering this stretch of the road from the city.
10. The location of the advert would mean that it would only be seen by drivers leaving the city. The advert would be internally illuminated to recommended levels¹, with static images shown at a frequency of once every ten seconds. There would be no flashing lights. The levels of illumination would vary throughout the day, controlled by an ambient light sensor, but would not be at a level that would seemingly effect users of the road. It would therefore not result in glare and dazzle and distract road users.
11. It has been discussed by an objector that the location is unsuitable as the site is on a main road, close to a side street where traffic will be turning in and out, and the Council in their officer report has suggested that there could be an increase in rear-end-shunts. However, there is no particular evidence that introducing this advertisement where there was not previously one would have such an effect, and, moreover, the highway officer has indicated that no harm would arise. Based on the clear visibility and speed along this road, the advert would not cause a distraction for users of the highway and harm public safety in this location.
12. I have also taken into account Policy D14 of the City of Wakefield Local Development Framework, April 2009, which provides for the safe and free flow of traffic within the development and on the surrounding highway network. As I

¹ Institute of Lighting Professionals' publication PLG05 (2015): 'The Brightness of Illuminated Advertisements'.

have concluded that the proposal would not harm public safety, the proposal does not conflict with these policies.

Conditions

13. In addition to the standard conditions, condition 1 relating to luminance levels is required to ensure that the sign is not overly bright for both users of the highway and the amenity of adjoining properties. Conditions 2, 3 and 4, controlling the content and movement within the display are needed in the interest of highway safety. Finally, in line with industry guidelines, it is good practice to switch off illumination when not required to reduce light pollution, and so condition 5 requires the display to be switched off between the hours of 23.00 and 05.00.

Conclusion

14. For the reasons given above the appeal is allowed.

M J Francis

INSPECTOR

Schedule of conditions

- 1) During periods of darkness, the luminance level shall not exceed 300 candela/sqm. The advertisement shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
- 2) The screen display shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
- 3) The advertisement display shall not change more frequently than every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).
- 4) The illumination of the advertisement shall not at any time be intermittent.
- 5) The display shall be switched off between the hours of 23.00 and 05.00.