



Appeal Decision

Site visit made on 28 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/Z4718/Z/22/3313176

Playworld Ltd, Rear Of 140-142 Westbourne Road, Marsh, Huddersfield HD1 4LF

- 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 Billy Uppal on behalf of Playworld Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/64/92247/W, dated 30 June 2022, was refused by notice dated 30 November 2022.
 - The advertisement proposed is '3no non-illuminated banners displayed at rear of existing garage shed'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided in the application form was amended by the Council including reference to the non-illuminated nature of the proposed advertisements. I consider that in the interest of certainty of the appeal proposal before me that clarification that the advertisements would not be illuminated is important and therefore, I have necessarily amended the description accordingly as the interests of the parties are not affected by such a change. At the time of my visit, the proposed banner advertisements for which express consent has been sought and refused by the Council were in place. I proceed to determine the appeal on that basis.
3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) 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 parties have drawn my attention to policies of the Kirklees Local Plan (LP), adopted February 2019, which they consider to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policies LP24 and LP25 of the LP. I have taken the policies into account as material considerations, in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.

Main Issue

4. The main issue is the effect on amenity.

Reasons

5. The appeal site comprises a large two-storey detached building which at the time of my visit appeared to be in use as an entertainment venue, including indoor play centre, indoor skating rink and dining area. The building is served by a car park that is accessible from junctions with Westbourne Road, which consists of predominantly commercial premises within Marsh District Centre nearby, and Syringa Street, which has a primarily residential character other than the appeal site and rows of lock up garages that adjoin it.
6. The proposed advertisements subject of this appeal are displayed on the otherwise blank rear elevations of the adjoining row of lock up garages closest to the access with Syringa Street and in front of a row of marked car parking spaces. There are 3no. banner signs in total which are non-illuminated, made of vinyl and located approximately 0.6m above ground level. The banner signs each are around 1.5m in height and close to 5m in width, and they are arranged side by side resulting in a cumulative width of approaching 15m.
7. Paragraph 136 of the Framework indicates that the quality and character of places can suffer when advertisements are poorly sited and designed. The PPG paragraph 079 provides further guidance in terms of assessing amenity, including local characteristics of the neighbourhood always being considered and the visual effect where residents or passers-by will be aware of the advertisement. In those respects, the most relevant development plan policy to which I have been referred is Policy LP25 of the LP as it relates specifically to advertisements and shopfronts, as opposed to Policy LP24 which relates to the design of development proposals. Policy LP25, amongst other things, requires the display of advertisements to have a design consistent with the character of the existing building in terms of scale, quality and materials and respect the character of the locality.
8. Taking account of the above, I observed that the banner signs have a strident and jarring appearance arising from overall cumulative proportions, bright neon colouring on dark backgrounds and vinyl materials. Consequently, they are viewed as unacceptably intrusive and dominant features in the otherwise residential surroundings of the street scene when approaching along Syringa Street from the east and from the junction with Imperial Road. From those perspectives, the access is currently unenclosed, and the boundary of the car park is only demarcated by bollards of limited height. This allows open views of the prominent and discordant signage against the backdrop of the lock up garages, together with other existing signage on the commercial premises and beyond that include a mix of fascia and other banner signs.
9. The visual effect of the banner signs including the cumulative effect with other signs on the commercial premises and beyond, is somewhat limited to short range views when approaching along Syringa Street and from Imperial Road and as such does not adversely affect the setting of Edgerton Conservation Area further to the west or the commercial character of the Marsh District Centre to the south where a variety of advertisements are a more common feature. Furthermore, the banner signs subject of this appeal are attached to elevations of lock up garages that otherwise have a largely utilitarian appearance and which the appellant has indicated are prone to unsightly graffiti. Nonetheless, the observed effect in the immediate street scene arising from the addition of banner signs of the siting, scale and design subject of this

appeal is a perception of prominent visual clutter of advertising material within the appeal site that appears out of place relative to the residential surroundings of Syringa Street. The resultant visual effect is harmful to the character of the area and therefore, amenity.

10. In reaching the above findings, I acknowledge that a range of advertisements can be expected on and around commercial premises and I have had regard to the potential economic benefits of the proposed advertisements in terms of promoting the commercial enterprise. However, based on the evidence before me, I cannot reasonably find that the banner signs as proposed are the only available means of attracting customers to the business and in any case, their intended purpose does not justify the harm to amenity identified. The appellant has also referred to classes of advertisement for which deemed consent is granted by the Regulations, including Class 5 (other advertisements on business premises), Class 6 (an advertisement on a forecourt of business premises) and temporary notices. However, there is no substantive evidence which would lead me to consider that opportunities for alternative signage of those types would otherwise result in more harmful advertisements at the site than those subject of this appeal for which express consent has been sought.
11. I conclude that the proposed advertisements are harmful to amenity, as they are unacceptably intrusive in this location and harm the character and appearance of the area. Whilst the development plan policies are not determinative, the proposal conflicts with Policy LP25 of the LP insofar as relevant to amenity considerations and the Framework in that respect.

Other Matters

12. In terms of public safety, the position of the static and non-illuminated advertisements displayed are viewed relatively close to others both on the commercial premises and beyond to the south. However, although relatively close to Syringa Street, the banner signs do not obstruct or impair sight-lines nor the understanding of existing traffic signs. They are not unduly distracting when accessing the site, travelling past the site or when entering or exiting the junction with Imperial Road as commercial signage is an established feature of the surroundings. It follows that the banner signs are not harmful to highway or pedestrian safety, and therefore, public safety. Nonetheless, the absence of harm in that respect is a neutral factor which does not justify the harm otherwise identified in terms of amenity.

Conclusion

13. For the reasons given above, I conclude that the proposed advertisement would harm amenity and therefore, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR