



Appeal Decision

Site visit made on 18 April 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/X4725/Z/23/3316173

117 Dewsbury Road, Wakefield WF2 9BQ

- 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 Group Ltd against the decision of Wakefield Metropolitan District Council.
 - The application Ref 22/02275/ADV, dated 7 October 2022, was refused by notice dated 22 December 2022.
 - The advertisement proposed is Conversion of an illuminated paper and paste advertising display to a D-poster digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The proposed advertisement would be sited on the side elevation of a terraced dwellinghouse located on Dewsbury Road, which is a main vehicular route into and out of Wakefield city centre. Its positioning would mean that it would be prominent in views taken when travelling in the direction of the city centre. The surrounding area is of a mixed character and appearance, with residential and commercial land uses present, along with allotments immediately adjacent to the appeal site and a cricket club further along Dewsbury Road. At the present time there is a large poster display on the appeal site. Although this does not appear to currently be illuminated, the appellant has provided evidence to suggest that it was permitted to be so in the past.
4. There are existing large illuminated poster displays at road level on Dewsbury Road, two of which are viewed in the approach to the appeal site, and a similar non-illuminated poster on the gable of another nearby dwelling. In addition, there is a proliferation of signage associated with the car dealerships on the opposite side of Dewsbury Road and with the supermarket further down the road from the appeal site. The proposed advertisement would be seen in the context of this existing signage in views taken down Dewsbury Road. It is also of relevance that the display would be a replacement of the existing poster advertisement, and that there would be some visual benefit in the fact that it would be repositioned on the gable to better align with the eaves height of its host dwelling.

5. My attention has been drawn to a 2017 appeal decision¹ which related to a proposal similar to that subject to the current appeal. The present submission aims to overcome this previous dismissal, in particular by reference to advances in technology that would seek to regulate the intensity of illumination in relation to ambient light conditions in the surroundings. Furthermore, the display would be switched off between the hours of 23:00 and 06:00. A detailed response has also been provided to the specific findings made by the Inspector in the 2017 case.
6. Subject to a regulation of illumination levels equivalent to that of a traditional fixed poster display, in the context of the surroundings in which the advertisement would be located there would not be harm caused to amenity. However, in this respect the submission made by the appellant falls short of demonstrating that the illumination would, in practice, be controlled in such a manner. In particular, the condition proposed by the appellant sets a daytime requirement that illumination is not greater than 5000cd/sqm. In periods of inclement weather or low light when the surrounding environment was darker this would be a significant level of illumination and would lead to the proposed advertisement having a dominant and visually harmful impact on the amenity of the street scene.
7. Whilst the suggested condition also refers to sensors, timing clocks and lighting schedules to reflect ambient light conditions during daylight, there is no substantive evidence to provide comfort as to how exactly these would regulate the relationship between external light levels and illumination levels. It is therefore entirely possible that levels of illumination that would be inappropriate for the surroundings may arise during daytime hours and that, if they did, this matter could not be addressed under the terms of the condition that has been put forward. In this regard I am mindful that whilst the appeal site is viewed at least partly in a commercial context, there are sensitivities arising from its juxtaposition with the allotments and cricket club, and to a lesser extent residential dwellings. This means that it would be necessary, and reasonable, to tightly regulate illumination levels from the proposed advertisement.
8. As a result, I am only able to conclude on the basis of the information that is before me that the proposal would cause harm to the amenity of the area, due to the potential inappropriate level of illumination that could arise during daytime hours. I have taken into account Policies D9 and D16 of the Wakefield Local Development Framework Development Policies Document 2009 which collectively seek to protect amenity and so are material in this case, together with paragraph 136 of The National Planning Policy Framework. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

9. Reference is made to benefits from the use of digital displays with respect to matters such as waste reduction and management, servicing and maintenance efficiencies and public service announcements. However, I can only base my judgement on the effect that the proposal would have on the interests of amenity.

¹ APP/X4725/Z/17/3176538

Conclusion

10. For the reasons given above, I conclude that the display of the advertisement would be detrimental to the interests of amenity.

Graham Wright

INSPECTOR