



Appeal Decision

Site visit made on 3 May 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/P4225/Z/22/3306815

Land adjacent to 463 Halifax Road, Rochdale OL12 9AB

- 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, on behalf of 75 Media, against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 22/00581/ADV, dated 21 April 2022, was refused by notice dated 21 July 2022.
 - The advertisement proposed is 1 no. illuminated digital advertisement display unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Powers under Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, relevant development plan policies have been a material consideration, but have not in themselves been decisive.
3. Close to the appeal site, on the opposite side of Halifax Road, is the Grade II listed Church of St John the Baptist. The War Memorial within the church grounds is also Grade II listed. As this is an application for advertisement consent rather than planning permission, the duty to have special regard to preserving the listed building or its setting, contained in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, does not apply. Similarly, as it applies to heritage-related consent regimes under the same legislation, the balancing test set out in paragraph 202 of the National Planning Policy Framework (the Framework) does not apply either.
4. Rather, the effect of the proposed advertisement on the listed buildings and their settings must be considered as part of the wider assessment of visual amenity.

Main Issue

5. The main issue is the effect of the proposed advertisement on the visual amenity of the area, including the setting of the Grade II listed Church of St John the Baptist and War Memorial.

Reasons

6. The proposed 3m x 6m digital sign would be located on a wide verge fronting onto Halifax Road (A58). The surrounding area is urban in character, and

whilst there are a mix of uses nearby, traditional terraced housing and small scale commercial uses predominate.

7. The listed Church of St John the Baptist is in an elevated position, set back from Halifax Road. A line of mature trees on top of the stone retaining wall of the churchyard provide an attractive and verdant setting to the church on its Halifax Road frontage. The church and its setting contribute positively to the character and appearance of the area.
8. The appeal site is an established location for advertisements, with 4 signs on display at the time of my visit. Three of the signs were large billboard style advertisements, including an LED digital display for which express consent was granted in 2021¹. As well as the signs on the site itself, another 48-sheet paper advertisement was sited very close by, on the other side of Bridge Street.
9. Aside from the signage at the appeal site itself, large scale and digital advertising is not a common feature of this area. There are other examples of billboards and digital signs further west, towards Rochdale town centre, but signage on this part of Halifax Road is generally small in scale, and associated with existing businesses.
10. The existing site, with its signage and associated timber fencing, is not particularly attractive and does not contribute positively to the character of the area. The appellant has described the proposal as a means of reducing signage on the site, from the 4 large paper signs which were previously displayed, to 2 similarly sized digital signs. This could be an improvement, but despite the appellant's reference to them having been removed, a pair of paper signs adjacent to 2 Bridge Street were in place at the time of my visit, with an additional, smaller sign adjacent to the existing digital display.
11. The proposed sign would be in a different position to the existing pair of paper signs, so if they were not removed, or if they were removed but then reinstated, allowing the appeal proposal could therefore result in 5 advertisements on the site, with a further billboard very close by.
12. Large scale adverts are evidently an established feature of this particular site, so the proposal would not be particularly surprising to many people. However, the proposed sign would be in a central and prominent position on the site, with an overall height that would exceed that of the existing signs. The proposal would further add to advertisement clutter on the site, to the detriment of the visual amenity of the area.
13. Even if the existing pair of paper signs were to be permanently removed, the proposed digital display would be more prominent than the existing non-illuminated advertisements. The brightness of the proposed digital LED sign would be controlled in response to external conditions, and would be designed to look similar to a paper sign during the daytime. However, in low light and dark conditions, the proposed digital sign would appear much brighter, and would be more obvious, than the existing paper signs.
14. Furthermore, the proposed display would be positioned very close to the existing digital sign. Although it would be positioned at a slightly different angle, the two would be viewed together from many vantage points. The combined effect of two large digital signs so close together, and with frequently

¹ Application ref 21/01442/ADV

changing images, would be to exacerbate their visual impact, particularly during dull conditions and at night.

15. The appeal site is on the other side of the busy Halifax Road from the listed St John the Baptist Church and War Memorial, but when travelling along Halifax Road in either direction, the existing advertisements at the site are seen in the context of the boundary wall and trees of the graveyard. The existing site, with multiple signs in place, draws attention away from the church and its setting.
16. In granting express consent for the existing digital sign on the site, the Council considered the effect on the setting of the listed church to be neutral. However, a second digital sign, in such close proximity to the original, would further draw attention from the church. The cumulative impact of two large digital signs with changing images, which would frequently appear brighter than the existing paper signs, would exacerbate this effect. The introduction of a second digital display here would detract from the green and peaceful setting of the listed Church and War Memorial, to a harmful degree.
17. The proposed sign would be located close to the rear garden of 2 Bridge Street. From the upstairs windows of that residential property, the back of the supporting structure would be clearly visible. This would result in an increased sense of enclosure to the rear part of the garden, but the sign would be set away from the garden boundary by some 6m, and views of the structure from the rear windows would be oblique, not direct. Although the sign would be located on the south side of the property, the difference in ground levels would mean that it would not result in unacceptable overshadowing to the rear garden.
18. For the occupiers 2 Bridge Street, the proposal would not cause unacceptable harm to the residential amenity. However, in combination with the existing signage at the site, the proposed digital display would cause harm to the visual amenity of the area. It would detract from the setting of the listed Church and War Memorial, diminishing the positive contribution that these features make to the character of the area.
19. Whilst not determinative, the proposal would conflict with Policies P2 and P3 of the Rochdale Core Strategy 2016, which require that new development is of a high standard of design, which protects and enhances character, landscape and heritage.
20. Furthermore, the proposal is not supported by the National Planning Policy Framework, which notes in paragraph 136 that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

21. The appellant has identified a number of environmental, social and economic benefits of the sign, but I am only able to consider the proposal in terms of its effect on amenity and public safety.
22. No objections have been raised in relation to public safety, and I am satisfied that the display could be appropriately controlled to prevent distraction to drivers or other road users. However, that does not outweigh the harm that would be caused to the visual amenity of the area.

Conclusion

23. As I have found that the proposal would cause harm to visual amenity, the appeal must be dismissed.

R Morgan

INSPECTOR