



Appeal Decision

Site visit made on 26 April 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023

Appeal Ref: APP/Z4718/Z/23/3315331

Adj. Waverley Buildings, St Thomas' Road, Huddersfield HD1 3LL

- 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 Kirklees Council.
 - The application Ref 2022/64/93588/W, dated 10 October 2022, was refused by notice dated 20 December 2022.
 - The advertisement proposed is installation of illuminated digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 following additional conditions:-
 - 1) Illumination of the advertising unit shall not exceed 100 candela/sqm at night-time, and there shall be no illumination between 23.00hrs and 06.00hrs.
 - 2) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 - 3) The sequential change between displays shall be no greater than 1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

Procedural Matter

2. In the banner heading above, I have used the address and description of development provided on the Council's Decision Notice, rather than those provided on the application form, as they are more accurate.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (the Regulations) requires that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies referred to by the Council in its Decision Notice, they have not been decisive in my determination of this appeal.
5. The appeal site is to the south of St Thomas' Road, close to its junction with Manchester Road. It currently hosts an existing 48-sheet freestanding, externally illuminated paper and paste billboard that faces broadly north-west toward the forecourt of the adjoining tyre centre. The proposal is for the replacement of this existing billboard with a single 'D-poster' of the same dimensions but with a digital display that will show multiple static advertisements on rotation.
6. Although freestanding, the proposed digital display would be sited to the side elevation of EU Autos, a single storey building set at right angles to St Thomas' Road, with low eaves and a shallow pitched roof. Whilst the height of the existing billboard aligns with the low eaves, the proposed digital display would be 1.75m above the ground, just below the ridge height of the EU Autos building. This elevated position and the illumination would inevitably increase the prominence of the advertisement, but it would nonetheless be viewed within the context of the EU Autos building behind, and the forecourt of the tyre centre. Despite its height, I find it would not particularly dominate the host building and would assimilate well with the immediate commercial surroundings, rather than appear jarring or intrusive.
7. St Thomas' Road is commercial in character, but there are residential properties on Hall Avenue and Bulay Road to the south-west, in an elevated position relative to the appeal site. The Council have raised concern that the illumination and changes in digital display would cause harm to the amenity of the two closest properties, at No.16 Hall Avenue (No.16) and No.15 Bulay Road (No.15). There is a ground and first floor window on the flank of No.16 that overlook the roof and canopy of the tyre centre and toward the appeal site. I observed on my site visit that the proposed digital display would be visible from these windows, but at a reasonable distance and at an oblique angle. I further observed that because of the orientation of No.15 relative to the EU Autos building, the proposed digital display would not be readily visible from either its ground or first floor rear window.
8. The appellant has, however, accepted that the changes to the method of illumination may result in some impact upon nearby residential properties and consequently has proposed a reduced night-time brightness of 100cd/sqm, which is below the guidelines of 300cd/sqm set by the Institute of Lighting Professionals in its Professional Lighting Guide 05. A curfew between 23.00hrs and 06.00hrs is further proposed, when there would be no illumination at all. The light spill diagram submitted with the appellant's evidence shows that the maximum luminance in the vertical plane (assuming 100cd/sqm) from the proposed display would only extend over part of the forecourt and roof of the tyre centre, so well contained within the immediate commercial surrounds. Subject to the controls the appellant suggests, I am therefore satisfied that

there would be no harm to the amenities of the residents of either No.15 or No.16.

9. In conclusion, the proposed advertisement would not adversely affect the visual amenity of the area. Consequently, there is no conflict with Chapter 12 of the Framework, or policies LP24 and LP25 of the Kirklees Local Plan (2019) which together seek to ensure good design that respects character and provides a high standard of amenity.

Conditions

10. The appellant has proposed conditions that would reduce the illumination to no more than 100cd/sqm at night-time and preclude illumination between 23.00 and 06.00hrs; ensure the sequential advertisements will change instantly with no fading, swiping or merging of images; and that the change between adverts would be no frequently that one every ten seconds. I consider these conditions necessary and reasonable to protect the amenity of the area and they have, therefore, been attached alongside the five standard ones.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR