



Appeal Decision

Site visit made on 16 May 2023

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/Z4718/Z/23/3315369

66 Market Place, Westgate, HECKMONDWIKE, WF16 OHX

- 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 Hammond Group against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/64/93458/E, dated 21 October 2022, was refused by notice dated 22 December 2022.
 - The advertisement proposed is described as "non-illuminated vinyl sign – blue and white 3.05 x 6M".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.
3. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations on site, I have no reason to disagree with the Council on these matters.
4. The decision notice refers to 66 Market Street in error. 68 Market Street is a Grade II listed building and sits adjacent to the appeal site. The advertisement regulations² state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. I have therefore taken the contribution the listed building makes to the character of the area, and how this may be impacted by the proposal, into account in my decision.
5. I noted during my site visit that the sign was being displayed at the site. The application is therefore being made retrospectively.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

² See Regulation 3(2)(a)

Main Issues

6. Accordingly, the main issue for the appeal is the effect of the proposal on the amenity of the area, including whether the proposed advertisement would preserve the historic interest of 68 Market Street.

Reasons

7. Market Street, Heckmondwike is a busy town centre location. At street level the commercial buildings have varied shopfronts with signage of different shapes and styles which are consistent with the commercial character of the area. In contrast with the frontages at ground level, the upper floors of the buildings are typically devoid of commercial trappings, and the range of building styles in evidence provides a more muted backdrop to the activity below.
8. The appeal property is three storey stone unit which sits between 68 Market Street, a Victorian bank, built in the classical style, and a lower two storey corner commercial unit which in common with the bank has ashlar corner coping. The difference in height between the appeal building and the adjoining 2 storey unit means that the upper part of the side elevation, which sits at second floor level above the commercial frontages, is visually very prominent. Indeed, I noted on site that the façade and the advertisement upon it could be seen from some distance on the approach along Market Street from the south.
9. The advertisement measures approximately 3m by 6m and appears to be made of white vinyl. In the context of the older fabric of the buildings behind and below the material stands out stridently. The advertisement is the only notable sign at a higher level. In these views, due to its size, its stark appearance and the height at which it is displayed, it forms an overly large and discordant feature which appears as an incongruous feature in the otherwise relatively restrained street scene above frontage level. This causes significant harm to the amenity of the area.
10. I note that an advertisement has previously been displayed at the site. The application is one for express consent and has not been advanced on the basis that consent is not required. Therefore, I have based my decision solely on the visual impact of the sign as displayed on site. Having regard to the scale of the advertisement and the prominence of the site I am of the view that the display of the advertisement harms the visual amenity of the area in this case. As previously advertisements have been removed from the site, I cannot comment on whether they would have been similarly harmful, but in any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
11. Consequently, taking all the above into consideration, I conclude that the proposal would result in unacceptable harm to the visual amenity of the area. Furthermore, although the adjoining listed building is more ornate than the appeal building and so quite visually separate, insofar as the proposal would erode the character of the area, it would also cause visual harm to the setting of the adjoining listed building. It would thereby be contrary to guidance on advertisements within the Framework and the aims of Policies LP24, LP25 and LP35 of the Kirklees Local Plan which, although not decisive, collectively seek to ensure advertisements respect the character of the locality, and do not harm the character of the area, or the setting of heritage assets.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Anne Jordan

INSPECTOR

