



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/X4725/Z/23/3314924

Land adjacent to 17 Westfield Road, Horbury, Wakefield WF4 6EP

- 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 Wakefield Council.
 - The application Ref 22/02047/ADV, dated 14 September 2022, was refused by notice dated 1 December 2022.
 - The advertisement proposed is illuminated, digital signage scheme.
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Decision

1. The appeal is dismissed.

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 amenity of the area, including the setting of nearby heritage assets.

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 comprises a small area of land on the southern side of Westfield Road, adjacent to No.17 Westfield Road and the Horbury car garage. The site hosts an existing paper and paste advertisement billboard which runs parallel to the road, sited at the back edge of the pavement above a low stone wall. It is proposed to replace this with a digital equivalent advertisement panel which would display static advertisements on rotation.
6. The appellant's evidence refers to the PPG where it states that large poster hoardings may be permitted in an industrial or commercial area of a major city

- (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. I observed on my site visit that this part of Westfield Road comprises a relatively short row of shops and the car garage on its southern side, but also terraced housing both north and south, and a public building. I found the context of the site and surrounding area to be mixed, rather than predominantly industrial or commercial as argued by the appellant. I also concur with the Council's Conservation Team that the surrounding area has a domestic scale, rather than comprising large buildings to which the PPG refers.
7. It is not disputed between the parties that the existing billboard has been in situ for a number of years and therein forms part of the established character of this part of Westfield Road. I also note that the dimensions of the proposed advertisement panel would be 6m(w) x 3m(h) x 0.5m (d) positioned around 2.05m above ground; the same dimensions as the existing.
 8. However, although the replacement display would seek to 'mimic' the existing display, and the level of luminance could be adjusted and controlled, the fully illuminated appearance of the proposed display would substantively increase the visual prominence of the advertisement. This would be exacerbated by the rotation of the static images up to every ten seconds which would inevitably draw the eye. I therefore find it would not be commensurate with its surroundings, forming a conspicuous feature to the detriment of the amenity of the site and wider streetscene.
 9. Set back from Westfield Road, directly opposite the site, is Horbury Library and the Old Town Hall, designated Buildings of Local Interest (BLI). These buildings are already experienced in the context of the existing billboard, which I observed is visible within the streetscene travelling in both directions on Westfield Road. As I've described above, the proposed illuminated digital panel would represent a discordant feature in the streetscene. It would unduly draw the eye from either direction on Westfield Road appearing overly prominent in views of the BLI. The slight reorientation of the advertisement, so that it is splayed from, rather than parallel to, the road would only serve to increase its prominence from the west. I find it would detract from the appreciation and experience of the two BLI opposite, failing to preserve their setting.
 10. The appellant has suggested a further reduction (over the standard controls) in the night-time illumination of the panel (to 100cd/sqm) and a curfew between midnight and 6am. These additional controls would not, however, mitigate the harm that I have identified which would be as much during daytime as night time hours.
 11. The appellant has drawn my attention to two appeal decisions: land at Bradford Road, Batley (APP/Z4718/Z/22/3307301); and land adjacent to 7-10 Church Street, Ilfracombe (APP/X118/Z/20/3265565). I accept that the appeals, on their face, do share some similarities with the appeal now before me, in that the proposed advertisements were within the setting of heritage assets and replaced existing externally illuminated billboards. However, whilst I do not have full details of these appeal schemes before me, it is clear that there are also notable differences, with both proposals located within commercial centres and consolidating the number of advertisement panels on site. I also find the specific circumstances of the two advertisement consents in Wakefield, to which the appellant refers, to be different to those before me, both being in

predominantly commercial locations. Notwithstanding the comparisons drawn by the appellant, I am not persuaded that any of the examples provided are directly comparable to this appeal proposal and I have, therefore, determined it on its specific circumstances and site.

12. I therefore conclude on the main issue that the proposed advertisement would have an adverse effect on the amenity of the area, including the setting of nearby heritage assets. Consequently, it would be contrary to the Framework which states that the quality and character of places can suffer when adverts are poorly sited and designed. It would also conflict with Policies D9, D16 and D19 of the Local Development Framework Development Policies which together require proposals, including advertisements, to respect the character of the locality and the setting of buildings of historic or architectural interest.

Other Matters

13. I recognise that there are sustainability and flexibility benefits associated with digital advertising, compared to poster advertising, but these do not outweigh the harm to amenity, and to the setting of the two BLI, that I have identified.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

R. Jones

INSPECTOR