



Appeal Decision

Site visit made on 21 June 2023

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/D4635/Z/23/3316495

3 Chapel Ash, Wolverhampton WV3 0TZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Dulux against the decision of Wolverhampton City Council.
 - The application Ref 22/01231/ADV, dated 31 October 2022, was refused by notice dated 20 December 2022.
 - The advertisement proposed is folded aluminium fascia, folded aluminium projecting sign, dibond panel and vinyl graphics.
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Decision

1. That part of the appeal that relates to Adverts 1-9 as applied for is allowed and express consent granted for their display. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations.
2. That part of the appeal that relates to Advert 10 is dismissed.

Main Issue

3. The main issue is the effect of the advertisements on amenity, having regard to their siting in a conservation area and close to a listed church.

Reasons

4. The Chapel Ash Conservation Area covers a small commercial area just to the west of the city centre. It developed in the second half of the 19th Century, and is now dominated by buildings that are of a scale and detail from that period. They also continue to reflect the commercial origins and vibrancy of Chapel Ash, with smaller shops or offices on the ground floor and residential or office uses above. The nature and use of these buildings contribute to the overall significance of this designated heritage asset, and add to its character and appearance. Whilst the conservation area appears to include part of a larger brewery, that is behind the frontage buildings and less prominent.
5. Within the conservation area on the south side of the road is the Grade II listed Church of St Mark, which dates from the mid-19th Century. Externally, its special architectural and historic interest lies partly in it having well-balanced elevations of dressed stone with high quality detailing. With regard to its setting, its graveyard has provided a defined and tranquil context that allows a peaceful experience of the building. Beyond that, although pre-dating much of the building around, it has been surrounded by a dynamic and vibrant commercial centre for many years. Its setting therefore adds positively to its

significance, by allowing an appreciation of its detailing whilst also demonstrating the role it enjoyed as the spiritual heart of Chapel Ash.

6. The property subject of this appeal stands prominently, a little to the west of the church. It has a modern building to one side and an open site to the other. Although much altered it nonetheless retains some historic detailing, and overall it makes a positive contribution to the significance of the conservation area.
7. I understand that the advertisements subject of this appeal, which have been identified as Adverts 1 to 10 by the appellant on the submitted plans, were already being displayed at the time of my visit.
8. At fascia level are panels and a projecting sign (Adverts 1-3). Advertisements at this level are already a fundamental part of the character and appearance of the conservation area, as they are found above most of the commercial units lining the road, while projecting signage too is a regular feature. Moreover, across Chapel Ash both the fascia and projecting signage are of a variety of styles, forms and materials. In such a context, even though these advertisements may be of different material to what is found elsewhere, I nonetheless consider that their scale and location mean they would not be at odds with the commercial nature of the surroundings or appear discordant. Because of the building's separation they would also not have any negative impact due to clutter. As a result, they would not adversely affect the character or appearance of the conservation area, or harm its significance.
9. The building appears to have had a number of ground floor windows, which were somewhat wider than would be expected at a residential property but not as large as is commonly found at shop premises nearby. These have each been filled by vinyl graphic signage (Adverts 4-9), which sits within the window opening and allows the windows' recessed nature to be appreciated. The obscuring of windows with signage is not uncommon across the conservation area. Moreover, the gaps between the windows are sufficient to mean that collectively these advertisements do not dominate the frontage of the premises, and the distance to other buildings around means clutter would not result. Therefore, I again find these advertisements would not adversely affect the character or appearance of the conservation area, or harm its significance.
10. Adverts 1-9 are muted and are within the commercial centre that surrounds St Mark's Church. They are also some distance away with another building in between, and, with the exception of the relatively small projecting advertisement, they do not face the church but the road. Given these points, and taking their scale into account, I find their impact on the setting of that listed building would not harm its significance.
11. On the east-facing gable though a large square advertisement (Advert 10) is much bigger than the advertisements that are generally found across Chapel Ash. The scale of this, coupled with its prominent high-level location facing down the road, mean it is an alien, dominant and discordant feature in the conservation area that detracts from its character and appearance and so causes harm, albeit less than substantial, to its significance. Whilst this advertisement is part of the appellant's corporate image, that does not offer a public benefit to outweigh this harm. However, I consider that the separation is sufficient to mean any impact it might have on the setting of the church would not cause harm to the significance of that designated heritage asset.

12. I recognise that the building next door has extensive advertisements on its front and side elevations. However, they do not bind me in my decision and, in any event, I consider they integrate more suitably into the overall design of that building.

Conclusions

13. Accordingly, I conclude that Adverts 1-9 do not detract from amenity as they do not harm the character or appearance of the conservation area, and they do not adversely impact on an appreciation of the special architectural and historic interest of the Grade II listed church by reason of their effect on its setting. Consequently, they cause no harm to the significance of either designated heritage asset and, insofar as these policies are a material consideration, these advertisements do not conflict with *Black Country Core Strategy* Policy ENV3 or Policy EP19 in the *Wolverhampton Unitary Development Plan* (UDP), which require proposals to respond to the identity of each place and not have a harmful effect on the appearance of the area. The appeal is therefore allowed insofar as it concerns these advertisements, subject to the standard conditions in the Regulations.
14. However, I also conclude that Advert 10 adversely affects amenity by detracting from the character and appearance of the conservation area, causing less than substantial harm to its significance as a designated heritage asset and there are no public benefits that outweigh this harm. Therefore, insofar as they are a material consideration, this advertisement conflicts with Core Strategy Policy ENV3 and UDP Policy EP19. The appeal is therefore dismissed insofar as it concerns this advertisement.

JP Sargent

INSPECTOR