



# Appeal Decision

Site visit made on 2 August 2023

**by C Billings BA (Hons), DipTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> August 2023**

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**Appeal Ref: APP/D4635/Z/23/3316811**

**5 Stafford Road, Wolverhampton, WV10 6JF**

- 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 Clear Channel against the decision of the City of Wolverhampton Council.
  - The application Ref 22/01218/ADV, dated 27 October 2022, was refused by notice dated 22 December 2022.
  - The advertisement proposed is removal of the existing totem sign and installation of a pair of illuminated 48-sheet digital poster displays.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have had regard to the policy references in the decision notice only in so far as they relate to amenity as public safety matters have not been raised by the Council.

## Main Issue

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

## Reasons

4. The appeal site is within the forecourt of a petrol filling station. It is proposed to replace the petrol station's totem advertisement display with the proposal. No alternative or replacement advertisement is proposed for the petrol filling station, even though the proposed advertisement display would obscure views of the petrol filling station and its' canopy and other signage displayed. The proposed advertisement display would not be as high as the existing totem display. However, it would be significantly larger in area and would not appear subservient to the petrol filling station.
  5. In front of the appeal site, Stafford Road is a busy dual carriageway that is an arterial route into the city. The petrol filling station lies between a vacant industrial site and a vehicle repair garage (Kwik Fit), beyond which is an elevated railway line with embankment and railway bridge wall. The site is therefore within the edge of a commercial/industrial area on a main busy route into the city.
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6. Even though the proposed display would be within an industrial/commercial area, there would still be potential to cause harm to the amenity of the area. Policy EP19 of the Wolverhampton Unitary Development Plan (2006) (UDP) identifies locations where outdoor advertisements will be afforded greater scrutiny in respect of any harmful effect on the appearance of an area. This includes sites fronting or dominating views from the ring road and main roads, such as this location.
7. The proposed advertisement display would be in an isolated position on the edge of the petrol filling station forecourt and would not be seen in the context of an immediate backdrop of vegetation or the railway line embankment, unlike the other example provided by the appellant (Council ref. 19/01197/ADV). The proposed display by virtue of its scale, position and that it is to be a digital changing display, would appear prominent in the street scene, with dominating views from this arterial route into the city.
8. I note that there are other advertisement displays in the local area. However, these are not of the scale, position, and nature of that proposed and so, are not comparable. Furthermore, the presence of other advertisements in the area would not reduce the prominence of the proposed large digital display.
9. There is no necessity for an advertisement display to be directly related to a business or premises in the vicinity, although it should not cause harm to the amenity of the area within which it is located. The proposed large display would obscure other existing signage on the nearby vehicle-related businesses and would be overly prominent in the street scene, causing harm to the amenity of the area.
10. The proposed illumination and that the digital display would change once every 10 seconds, furthermore, would contribute to the prominence of this large display. This would increase the visual harm caused to the character and appearance of the street scene. Reduced night-time luminance levels, as proposed, would not significantly weigh against such harm.
11. It is appreciated that the proposal is not in a conservation area, nor close to any listed building. However, this does not weigh against the harm I have found in relation to the character and appearance of the area.
12. In view of the above, the proposed display would detract from the character and appearance of the surrounding area, thereby causing harm to amenity. Accordingly, the display would conflict with paragraph 136 of the Framework, as the quality and character of the area would suffer. Additionally, as the proposals would not contribute positively to the character of the surrounding area, the display would conflict with Policies D4, D6, D7, D8, D9, EP19 of the UDP and Policy ENV3 of the Black Country Core Strategy (2011) and guidance contained within the Wolverhampton 'Outdoor Advertisements and Signs' SPG No 7.

### **Other Matters**

13. The appellant has noted that the Council contacted the agent about the prospect of a condition controlling the illuminance of the display during the consideration of the planning application. It suggests the application may have been refused because it declined to accept such condition. However, I have found that the proposed display would be harmful to the character and

appearance of the surrounding area and that a condition would not overcome such harm.

14. The appellant has provided appeal decisions for advertisement displays in other Council areas. However, I do not have full details of these cases and I am not familiar with these sites, and so I cannot compare them fully with the proposal. Also, two of the appeal decisions relate primarily to daytime luminance levels, which is not a matter of concern raised in this appeal. Therefore, I have given limited weight to these appeal decisions in making my decision.

### **Conclusion**

15. For the reasons given above, I conclude that the display of the advertisement would be detrimental to the interests of amenity and dismiss the appeal.

*C Billings*

INSPECTOR