

Appeal Decision

Site visit made on 2 October 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary

Decision date: 16.10.2023

Appeal Ref: APP/C4615/Z/23/3325036

153 High Street, Quarry Bank, Dudley DY5 2AF

- 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 Clear Channel UK against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P23/0677, dated 12 May 2023, was refused by notice dated 20 June 2023.
 - The advertisement proposed is a single illuminated 48-sheet digital poster display.
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Decision

1. The appeal is dismissed.

Main Issue

2. Advertisements are subject to control in the interests of amenity and public safety only. No objections have been raised in regard to public safety. The main issue is the effect of the proposed signage on the visual amenity of this part of the High Street.

Reasons

3. The High Street is a steeply sloping road lined mostly by a mix of small scale commercial and residential premises, mainly in traditionally designed terraced buildings. It is noted as being an Area of High Historic Townscape Value under policy S12 of the Dudley Borough Development Strategy (DS). No 153, a public house now called The Old Liberal Club, has a large, blank side gable wall facing across the open car park of the adjacent Quarry Bank Social Club. This gable is a prominent, elevated feature in views from lower down the street.
4. The proposed 48-sheet (about 6m wide by 3m high) illuminated digital sign would have static images changing every 10 seconds or more. Although there are other non-illuminated and illuminated signs nearby, none of those signs are even remotely of this scale. I saw no comparable signs in the vicinity and no daytime illumination of note. The area is street lit but this new sign would nevertheless be a substantial visual presence.
5. The existing gable wall is not a particularly attractive feature and does merit some improvement. I note that the luminance of the digital sign would be

controlled to conform to Institute of Lighting Professionals guidelines¹. The proposal would nevertheless be an overly large and brash advertisement that would visually dominate this mixed use, mainly finer grained area both day and night.

6. The proposal also includes a section of green wall below the sign. This would not to my mind be part of the advertisement so its status within this application is questionable. The visual effect of the green wall would not, in any case, be sufficient to off-set or mitigate the negative visual impact of the sign.
7. I conclude that the proposal would unacceptably harm the visual amenity of this part of the High Street. In making this decision, I have had regard to local policies, including DS policies D12, S8 and S12 and the Council's Planning Guidance Note 11 - *Advertisement Display Guide*, which aim amongst other things to protect the AAHTV and to encourage a high standard of design for advertisements. Powers under the advertisement regulations, however, may only be exercised in the interests of amenity and public safety, taking account of material factors such as adopted policies which are not by themselves decisive factors.
8. For the reasons set out above, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ Professional Lighting Guide 05/23 - *The Brightness of Illuminated Advertisements including Digital Displays*