



Appeal Decision

Site visit made on 5 January 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31.01.2024

Appeal Ref: APP/V4250/Z/23/3333055

Advertising Right 4334 Adjacent 298 Chapel Street, Wigan, Leigh WN7 2AP

- 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 Estates Limited against the decision of Wigan Council.
 - The application Ref A/23/95860/ADV, dated 7 July 2023, was refused by notice dated 20 September 2023.
 - The advertisement proposed is erection of new digital poster display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council has raised no objection in respect of public safety and I observed nothing which would lead me to dispute this. Accordingly, the main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site is within the Bridgewater Canal Conservation Area (CA) where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The *Bridgewater Canal Conservation Area Appraisal* (2012) describes its significance as being part of the late C18th and early C19th canal network, with historic and architectural interest associated with the canal. The site falls within Character Area 4: Canal Corridor from Butts Bridge to Bedford Brook, which is characterised by a mix of industrial and residential land uses and dominated by Leigh Spinners, a large double spinning mill.
4. The appeal site itself is a small parcel of land between 'Canal Turn,' a public house, which fronts Chapel Street, close to the traffic light signalled junction with Warrington Road, and the forecourt of an MOT test centre. The main basin of the Bridgewater canal is to the south of the appeal site, with Butts Basin visible to the north of the MOT test centre close to the Chapel Street, Bangor Fold junction.
5. On the gable end of the public house, broadly perpendicular with Chapel Street, is an existing traditional paper billboard which, on the appellant's evidence, has been displayed in this location since at least 2008. It is proposed to remove this billboard and replace it with a freestanding D-Poster display which would

display multi-static advertisements on rotation. The proposed display would be the same size as the one it replaces (6m wide x 3m high) but would be freestanding (2.5m above the ground) and angled around 45 degrees from the gable of the public house on Chapel Street, so facing Chapel Street on the approach from the north-east.

6. It is accepted that the existing billboard forms part of the character of this part of Chapel Street and has done so for many years. I also note that within the surrounding area, notably either side of Chapel Street to the west, there is fascia signage associated with commercial and retail uses. This also includes the fascia signage associated with the adjoining MOT test centre. However, a large, freestanding advertisement, angled toward Chapel Street, would be notably more prominent than the existing display it replaces and other signage I observed nearby.
7. The proposed advertisement would be viewed in the context of the gable of the public house and the MOT test centre, both commercial buildings. However, it would also be viewed in views across Butts Basin from Bangor Fold and, in longer views travelling south on Manchester Road, in the context of the terraced housing on the edge of the CA. In replacing one billboard with another, the proposal would not result in 'additional clutter' within the CA, as alleged by the Council, but I consider that the advertisement would appear a highly prominent and incongruous feature, out of character with the wider context I describe.
8. I acknowledge that digital display screens are designed to mimic the appearance of traditional poster displays; so, the display would dim when ambient conditions are also dim. The existing billboard is not, however, illuminated and therefore during the hours of darkness the proposed display would introduce a new illuminated feature that would constitute further visual intrusion.
9. Because of the combination of its siting, orientation and illumination, I therefore find that the proposed advertisement display would fail to preserve the character and appearance of the Bridgewater Canal Conservation Area and would have an adverse effect on the visual amenity of the surrounding area. I accept that illumination levels would be in accordance with industry standards and that this and other matters could be controlled by appropriate conditions. However, given that I have found that the siting and orientation of the proposed advertisement board would harmfully effect the amenity of the area, including the conservation area, these matters do not overcome that harm.
10. I note that the Council and the appellant have referred to the development plan policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive. Nonetheless, with respect to visual amenity, the proposal would conflict with the requirements of Policies CP10 and CP11 of the Wigan Local Plan Core Strategy (2013), Policy EV4A of the Wigan Replacement Unitary Development Plan (2006), the National Planning Policy Framework and the Council's Advertisement Design Guide Supplementary Planning Guidance. Among other objectives these seek to improve the built environment, and

signage should preserve or enhance the character or appearance of Conservation Areas and the historic environment.

Conclusion

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

R. Jones

INSPECTOR