



Appeal Decision

Site visit made on 8 January 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2024

Appeal Ref: APP/N4205/Z/23/3330011

9 Hulton Lane, Bolton, BL3 4JB

- 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 Group Limited against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 16278/23, dated 26 June 2023, was refused by notice dated 18 August 2023.
 - The advertisement proposed is described as “the upgrade of an existing 48-sheet advert to support a digital poster”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal, as well as related guidance, and I have taken them into account as material considerations. 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.
3. The Government published revised versions of the National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework.

Main Issues

4. There is no dispute between the parties that the proposal would not cause harm to public safety. The main issue is therefore the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The appeal site is the north-facing gable wall of the building at 9 Hulton Lane, the ground floor of which is occupied by an estate agent/property management company (the Council suggest that the first floor is in residential use). The site is at the entrance to Patterson Street, on the east side of Hulton Lane. The submitted drawings, and a Google Streetview image of the site from July 2023, show a 48-sheet externally-illuminated advertisement hoarding in place on the site, but this had been removed by the time of my site visit. The appellant

- proposes replacing the advertisement previously at the site with an internally-illuminated digital display of equivalent size, which would display static images changing no more frequently than once every ten seconds.
6. The Council's 2015 *General Design Principles* Supplementary Planning Document ("the SPD") provides guidance for the display of signs and advertisements. It advises, among other things, that they should respect the character of their surroundings, not be obtrusive when viewed by passers-by, and that they should be designed and positioned so as to be seen as an integral feature of the building upon which they are to be sited; the SPD goes on to note that it *may* [my emphasis] be appropriate for more latitude to be exercised in commercial areas.
 7. A short way north of the site, the area around the junction of Hulton Lane and Wigan Road is a suburban local centre. There is therefore a degree of signage and advertising in the area, although I saw that most businesses tended to have either fascia or projecting box signs which are relatively small in scale, and I did not see any other advertisements nearby comparable in size or form to the appeal proposal. The buildings on both sides of Hulton Lane south of the site, and on Patterson Street east of the site, are predominantly residential; the gable wall is (and any advertisement on it would be) therefore seen largely alongside the surrounding housing, even from within the more commercial area on Wigan Road. In my view, the proposed siting of the advertisement within a predominantly residential context serves to limit the degree of latitude which the SPD advises may otherwise be appropriate.
 8. The proposed digital display would, of necessity, emit light continuously to create an image. While I acknowledge that the luminance of the proposed advertisement could be controlled by a condition which would reduce its impact particularly during the hours of darkness, greater illumination would be required during the day in order to ensure that the image produced could be seen. I accept of course that advertisements are, by their nature, designed and intended to be seen. However, the bright appearance of the proposed digital screen would in my view make it a more prominent part of the street scene, and much more visually intrusive, than the illuminated hoarding previously at the site. This would be particularly apparent in low light conditions such as during overcast days or at dawn and dusk. The continuous illumination would also emphasise the large scale of the display; as a consequence it would dominate and overwhelm the host building, and harm the character of the area.
 9. The proposed advertisement would be close to the front living room and bedroom windows of houses on the north side of Patterson Street, in particular No 48 from which it would be separated only by the width of the street plus a shallow front garden. While the screen would be at an oblique angle to those windows, the continual illumination and regularly changing images would nevertheless be likely to make the advertisement a distracting and intrusive feature, and it would be harmful to living conditions for the occupiers of that house.
 10. In respect of the advertisement previously in place, the appellant described the site as having "supported an externally illuminated advertisement on site since at least 2009 which benefits from deemed consent [...] having been erected pursuant to the planning permission 76978/07, which was granted on 20th May

2007". However, that permission is for a proposal described in the Council's officer report as the "installation of an illuminated fascia sign", and therefore appears to relate to the shop unit signage rather than the 48-sheet advertisement previously in place. The Council has indicated that "there is no record of any planning application having been made or granted at the site for the existing advertisement", although it also appears that no discontinuance action has been taken at any point by the Council in respect of the existing advertisement and its effect on amenity.

11. Although the proposed digital unit would be the same size as the previous hoarding, the illumination arising from the digital display would make it a much more prominent feature in the street scene. On this basis I do not consider that it can be considered to be a "like-for-like" replacement for the existing advertisement. There would be particular harm, as I have described in the preceding paragraphs, which may not have arisen from the previous installation, and it therefore only carries limited weight in favour of the appeal scheme.
12. The appellant's submissions included various examples of consent having been granted for digital advertising displays, although there was little to explain how or why most of those were comparable to the appeal scheme or should weigh in its favour. The appellant referred to two examples within Bolton in particular, at 867 St Helens Road (LPA Ref: 15700/23) and 426 Bury Road (LPA Ref: 09320/20), stating that both "involved the replacement of existing 48 sheet adverts with digital displays in areas with residential and commercial character, with the Council considering that the proposed displays would not negatively impact the character and appearance of the surrounding area". I was not able to view those sites during my site visit, but the limited information before me (in the form of photographs and maps) suggests that their circumstances are quite different. The St Helens Road site adjoins a road bridge over a motorway in a cutting, while the Bury Road site overlooks a busy road junction; neither therefore appears comparable to the appeal site, nor do they indicate that the Council was not justified in reaching a different conclusion in respect of the appeal site.
13. The appellant also referred to an appeal decision in relation to a site in Manchester (PINS Ref: APP/B4215/Z/22/3303626) in which the Inspector commented that "the quality of the static illuminated image which would be produced by the appeal proposal would adequately mimic a traditional externally illuminated poster board so as not to present as an alien feature". However, there is nothing before me to demonstrate that the circumstances of that appeal are comparable to this case, and it does not weigh in favour of allowing this appeal.
14. I have had regard to the benefits of digital advertising which the appellant has put to me, including a reduction in vehicle trips to service sites, a reduction in waste from the production of posters, the ability to broadcast emergency messages, and to use the displays during "void periods" for public messaging or public art. However, while I acknowledge these potential benefits, I do not consider that they outweigh the harm which I have found.
15. I therefore conclude that, as a result of harm to the character and appearance of the area, and to living conditions for the occupiers of No 48 Patterson Street,

the proposed advertisement would have a harmful effect on the amenity of the area.

16. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material. The proposal conflicts with Policies CG3 and CG4 of the 2011 Bolton Core Strategy, which among other things seek to ensure that development contributes to good urban design, is compatible with the built character of the area, and protects amenity.

Conclusion

17. For the reasons given above the appeal is dismissed.

M Cryan

Inspector