



Appeal Decision

Site visit made on 14 May 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/W4705/Z/24/3343393

Wynsors Shoes, 339 Thornton Road, Bradford, BD8 9BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Alight Media Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00157/ADV.
 - The advertisement proposed is Installation of 1 x 48 sheet freestanding LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Main Issues

2. Having regard to the Regulations and the decision of the Council, the main issues are the effect of the proposal on amenity and public safety.

Reasons

3. The site for the proposed advertisement is at the front highway edge of an open parking area serving a large retail warehouse in an area which is largely commercial, industrial and retail in character. Opposite the site there is a large academy school. Close by along Thornton Road there is an uncontrolled pedestrian refuge style crossing and other apparently well-used road junctions. Thornton Road itself is also well used by vehicular traffic. There are other advertisements along the street, adjacent to the highway edge, but none in the same style, size and relationship to their surroundings as that proposed in the appeal.

Amenity

4. Whilst I accept that the point of advertisements is to be visible, I consider that the size and location of the digital billboard, relative to its surroundings, including other signage and advertisements, the road, the buildings and spaces around it and the wider view would make it appear unduly large, prominent and incongruous within the established street-scene. None of the advertisements associated with or serving premises in the area are similar to the appeal proposal. To my mind, this effect would arise in views along Thornton Road in both directions, as the proposed freestanding unit would stand somewhat alone at the front of the site. Indeed, in long views of the rear of the unit, it would appear particularly incongruous, essentially being a large, plain surface.

5. I find the proposal would therefore be harmful to the interests of the amenity of the area.
6. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (the Core Strategy) and I find that the harm to the interests of amenity that I have found mean that the proposal would conflict with their aims. These conclusions are supported by national policy in the National Planning Policy Framework (the Framework) which notes that the quality and character of places can suffer when advertisements are poorly placed, as I find this proposal to be.

Public safety

7. Although the proposal is on a site within a commercial or industrial area, where the Planning Practice Guidance (the PPG) sets out that there are less likely to be road safety problems, given its proximity to the academy school, the refuge crossing and the junctions with Weetwood Road and Rosse Street, it is clearly at a point where drivers need to take more care and where local conditions present potential traffic hazards. This is consistent with the comments of the Council's Highways Development Control Engineer and my own observations on site.
8. I accept that the advertisements displayed may not necessarily be frequently changing, but it is not clear from the evidence what the change interval would be, only that it could be as short as ten-seconds, or indefinitely long. I note that the levels of illumination proposed are within the guidelines set by the relevant industry body. I note the suggestion that both the level of illumination and the rate of change could be controlled by condition, but do not consider that such conditions could overcome my fundamental concerns over the overall effect of an illuminated digital billboard in this location where drivers need to take more care.
9. Insofar as they are relevant to consideration of the effect of the proposal on the interests of public safety, I have taken into account Policy DS4 of the Core Strategy. I have also had regard to the content of the Framework and the PPG, and the objections of the Council's Highways Development Control Engineer.
10. Taking all of that together, I find that the proposal would harm the interests of public safety, and there is nothing which I saw on my site visit or in the evidence before me, including the previous applications and appeal which alters this conclusion.

Other Matters

11. The appellant has drawn my attention to a previous appeal on this site¹ from 2023, which was for substantially the same proposal, albeit with a double-sided, back-to-back display. The Inspector in that decision concluded that the proposal was out of scale, dominant and did not conform to the characteristics of the area, causing harm to the interests of amenity. Plainly I have reached the same conclusions in respect of amenity and whilst the proposal before me is only single-sided, it has largely the same effects, as set out above.

¹ Appeal Ref: APP/W4705/Z/23/3327686

12. I am conscious that the Inspector in that case found that it would not cause a distraction to users of the highway and would not therefore harm public safety in this location. However, having reviewed the Officer Report for that proposal provided by the appellant, it is clear that the Council's Highway Development Control Engineer was not consulted on that proposal. That contrasts with the situation before me, where they were consulted and objected to the proposal on the grounds of highway, and therefore public, safety.
13. The appellant has also highlighted a number of other digital billboards which have been consent and installed in the surrounding area. Whilst I note the existence of these, I do not consider that any of them are in directly comparable locations or with directly comparable contexts, such that they change my conclusions above.
14. I recognise that consistency in the planning process is important and like cases should be decided in a like manner. However, it is also important that each case is determined on its own merits and on the basis of the evidence before each Inspector. The evidence before me, in combination with observations during my site visit suggests that the proposal would harm public safety as set out in my reasoning above, and the previous decision on the site does not alter my conclusions.

Conclusion

15. For the reasons given above I conclude that the proposal would harm the interests of amenity and public safety. The appeal should therefore be dismissed.

S Dean

INSPECTOR