



Appeal Decision

Site visit made on 21 May 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/U4610/Z/23/3335141

Land Adjacent to Coventry Canal, Foleshill Road, Coventry CV1 4LH

- 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 Wildstone Estates Limited against the decision of Coventry City Council.
 - The application Ref is PL/2023/0002094/ADV.
 - The advertisement proposed is replacement of 1x existing 48 sheet poster board with a digital advertising screen (D-Poster). 3m(h) x 6m(w) x 0.065m(d). 5.1m above ground level. Lightweight digital LED Panels. Multicoloured. 300cdm2 brightness level at all times.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. The description states that the proposed advertisement will replace an existing 48-sheet poster board. Notwithstanding this, I did not see any existing signs at the site at the time of my site visit. I have therefore determined the appeal on this basis.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I have had regard to this in determining the appeal.
5. The Framework was revised in December 2023, after the Council's decision and the submission of the appeal. However, the revisions do not alter the parts therein upon which this appeal turns, so I have had regard to its content and I am satisfied that this has not prejudiced any party.

¹ Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Main Issue

6. The Council has raised no objection in relation to public safety and following my site visit I find no reason to disagree. The main issue is the effect of the proposal on the visual amenity of the area including whether it would preserve or enhance the character or appearance of the Coventry Canal Conservation Area.

Reasons

7. The appeal site comprises of a narrow strip of land between the Coventry Canal (the canal) and Foleshill Road, occupying a prominent location opposite the junction with Harnall Lane West. It falls within the Coventry Canal Conservation Area (CA), which is designated due to the special architectural and historic interest of the canal. The immediate surroundings contain a mix of commercial, residential and community uses. Opposite the appeal site, on Foleshill Road, there is an auto products and repairs store and a large surface area car park which serves a local gurdwara. The canal and tow path are next to the appeal site. The canal sits at a higher level than Foleshill Road and is accessed by a footpath ramp which ascends from Foleshill Road up to the towpath. There are residential flats and houses to the west of the canal which are partly screened by tall trees lining the canal. Views of the canal itself are not evident until one walks halfway up the footpath ramp where pleasant views of the curving course of the canal can be seen.
8. The boundary of the appeal site overlaps with that of an extant consented scheme². The consented scheme is similar in size to the display proposed but covers a longer strip of land than the appeal site, where five large poster board advertisements hoardings had been previously located. Were the appeal not to be allowed, the appellant could implement the extant consent. However, this was consented under materially different circumstances, including five large poster board advertisements being in situ at the time of the application. This created an existing over-intensification of large advertisement hoardings at this location and detracted from the character and appearance of the CA. Furthermore, the five advertisements were erected before the CA was designated in 2012. That scheme is the only such scheme consented by the Council since 1997 in the locality of the appeal site.
9. The main parties dispute whether the cumulative impact of the advertisements is relevant on the basis of the potential for the proposal to substitute the consented scheme. However, the positions of both displays are different, and both could be implemented alongside one another were the appeal allowed. As there is nothing to prevent the consented scheme from being implemented, potential cumulative impact would be relevant, and I have determined the appeal on this basis.
10. The proposed display would be a highly dominant feature in the CA due to its overall size and positioning. It would loom large over the adjoining towpath, intrude on the pleasant views and vistas of the canal and significantly harm the character and appearance of the CA. While the proposal also includes landscaping behind and to the side of the hoarding, this would not sufficiently

² Reference: ADV/2021/3788, granted 11 March 2022, for "replacement of existing five hoardings with one internally illuminated digital display".

mitigate against the significant adverse effect on visual amenity caused by the size and positioning of the hoarding.

11. The west side of the canal is lined with tall trees which are visible at a distance from Foleshill Road and Harnall Lane West. Verdant views of the canal setting can be appreciated from these points. The scale and position of the proposed hoarding would obstruct views of the setting of the canal and the CA from Foleshill Road and Harnall Lane West. As a result, it would not preserve or enhance the character and appearance of the CA and would have a harmful effect on visual amenity.
12. I acknowledge that the surrounding area includes existing street furniture such as streetlamps, bus stops and advertisements associated with nearby businesses. Nevertheless, none of these are visually harmful within CA as the appeal proposal would be due to its size and positioning adjacent to the canal. Even if light levels of the display were controlled, the proposal would still have the same aforementioned harm.
13. I have found that the proposed development, in isolation, would significantly harm visual amenity. The combined effect of both the appeal and consented scheme would compound the adverse effects on visual amenity due to the over-intensification of large advertisement displays at this location.
14. The appellant has drawn my attention to other advertisement displays within verdant settings and in conservation areas. I have taken this into account so far as I am able to based on the information before me. However, none of the examples provided are comparable to the appeal site as none are located adjacent to a canal or within a conservation area which has been designated due to the special interest of the canal. In any event, each scheme must be considered and determined on its individual merits.
15. For the above reasons, I conclude that the proposed advertisement display would unacceptably harm the visual amenity of the area and would fail to preserve or enhance the character and appearance of the CA.
16. Given my conclusion, the proposal conflicts with Policies DE1 and HE2 of the Coventry Local Plan (2017). Amongst other things, Policy DE1 requires all development proposals to respect and enhance their surroundings and positively contribute towards the local identity and character of an area, and preserve or enhance the character and setting of canal corridors. Policy HE2 also requires development proposals to conserve and enhance the city's heritage assets including conservation areas. The proposal is also contrary to paragraph 141 of the Framework.

Other Matters

17. While the appellant has indicated that the proposal would substitute the consented scheme, it is also suggested that this could be resolved by a condition. It is unclear how I would be able to impose a condition to prevent an advertisement granted express consent from being implemented. In any event, I have found that the proposal, in isolation, would significantly harm visual amenity.
18. The appellant has highlighted the benefits of digital advertisements which include better management, monitoring and maintenance, reduction in waste involved in poster production, ability to display for non-commercial purposes,

generation of revenue for the Canal and Rivers Trust and uplift in business rates to spend on public services. However, there is no indication in the Regulations, the Framework, or the PPG that any other factors can be taken into account for, or against, a proposal. These matters have therefore had no bearing on my decision.

19. None of the above matters change my conclusion on the main issue regarding the impact of the proposed advertisement on the amenity of the area.

Conclusion

20. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR