



Appeal Decision

Site visit made on 11 June 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/N4205/Z/24/3340867

Land at Chorley New Road junction with Park Hill Street, Bolton BL1 4QR

- 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 against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 17047/23.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 March 2024, after the appeal was made, the Council adopted the Places for Everyone Joint Development Plan Document 2022 to 2039 (the PfE). Irrespective, the Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework and the Planning Practice Guidance. Therefore, while I have taken into account the development plan policies, they have not been decisive in my determination of the appeal.

Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. The appeal site is a small, roughly triangular area of land at the junction of Park Hill Street and Chorley New Road. It comprises hardstanding with naturally colonising vegetation. Roadside boundaries are formed from low wooden posts and rails and there is a palisade fence to the rear.
5. Chorley New Road is characterised by traditional 2-storey terraced properties finished in red brick with decorative stone detailing and slate roofs. Properties are set back from the street with small frontages enclosed by boundary treatments including railings, low walls and boundary hedges. Park Hill Street is characterised by the rears, including outriggers, of traditional terraced properties that front onto Chorley Old Road. The majority of properties are in commercial use and there is a large modern commercial building at the end of Park Hill Street. Nevertheless, the area has a harmonious historic residential character and appearance due to the predominantly 19th century dwelling houses with their domestic frontages.

6. The proposal would be an internally illuminated digital LED advertisement, measuring roughly 6.2m wide by 3.2m high and around 3.6m above ground level. The advertisement would be capable of displaying static images for 10 seconds each, with no moving or animated images and with an instantaneous changeover. The level of illuminance would be controlled in accordance with the Institute of Lighting Professionals guidance for illuminated advertisements.
7. The advertisement would be prominently sited close to the Chorley New Road footway and it would be readily visible from the direction of Chorley Old Road. By virtue of its large size, height above ground and free-standing siting, it would be a conspicuous and dominant feature in the street scene. The overtly modern signage with its changing imagery would be incongruous and discordant in the context of the historic surrounding townscape. It would not make a positive contribution to local distinctiveness and it would detract from the strong sense of place.
8. The illuminated display would not be visible from the rear, looking along Chorley New Road towards the junction of Chorley Old Road. Moreover, the rear of the advertisement would be viewed in the somewhat mixed context of the rear outriggers and the contemporary commercial property on Park Hill Street, cabinets in the footway and road signage. Even so, by virtue of its free-standing siting, from all directions the overly large and elevated structure would be a visually obtrusive feature in both long-range and close views.
9. There is already commercial signage in the area. However, signage attached to the former residential properties is modest, low key and relatively low level. Neither they, nor the more modern yet still modest fascia signage on 12 Chorley Old Road, are directly comparable to the substantially large and overtly contemporary proposed advertisement. The proposal would not be assimilated into its surroundings by existing signage.
10. I note the suggestion that a scheme to improve the forecourt in front of the display could be secured by the imposition of an additional condition. However, the proposed advertisement would not be integrated into the townscape by a different boundary or surface treatment. Controls on illuminance would also not mitigate the adverse visual impact. Consequently, the harm that I have found could not be mitigated by the imposition of conditions.
11. Therefore, I conclude that the proposed advertisement would harm the character and appearance of the area. Accordingly, it would harm amenity. Consequently, and although not determinative in this appeal, it would conflict with PpE policy JP-P1 including in relation to respecting the character and identity of the locality.

Other Matters

12. The appeal site was formerly used by national poster contractor JC Decaux for the display of a freestanding 48-sheet poster panel. The historic presence of an advertisement is confirmed by Google Street View images from 2009, 2016 and 2021. The photographs suggest that the former non-illuminated advertisement may not have been as elevated above the ground as the proposal.
13. I understand that the former advertisement benefitted from deemed consent. However, it was removed at some point after May 2021 and there is currently no advertisement. There is little substantive evidence that the proposal would

be a continuation of an existing use or that the previous advertisement would be a valid fallback position if the appeal should fail. Moreover, while the Council may not have issued enforcement proceedings or a notice to discontinue the former advertisement, that does not infer that the proposed advertisement should be automatically acceptable.

14. The advertising space would be let out or rented to local businesses and advertisers. The digital display would remove the requirement for manual posting of advertisements.
15. However, advertisements are subject to control only in the interests of amenity and public safety and there is no indication that any of these or other matters should be taken into account either for or against the proposal.

Conclusion

16. For the reasons set out above, I conclude that the proposed advertisement would harm amenity.
17. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR