



Appeal Decision

Site visit made on 28 January 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/W4705/Z/24/3352505

329 Tong Street, Bradford, West Yorkshire BD4 9QY

- 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 City of Bradford Metropolitan District Council.
 - The application Ref is 24/02034/ADV.
 - The advertisement proposed is display of a D48 advertisement.
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Decision

1. The appeal is allowed, and express consent is granted for the display of a D48 advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The LED display hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive images and the display shall include a mechanism to freeze or turn off the screen in the event of a malfunction. Each image shall be displayed for at least 10 seconds. Message sequencing or interactive messages shall not be used.

Procedural Matter

2. The location of the appeal site as set out in the above banner heading has been taken from the decision notice and appeal form as this is a more precise description of the location of the site.

Main Issue

3. Regulations to control advertisements may be exercised only in the interests of visual amenity and public safety. The assessment regarding public safety is not disputed and the main issue is therefore the effect of the proposed advertisement on visual amenity.

Reasons

4. The appeal site relates to the side elevation of a two-storey existing building located at the junction of Horsman Street and Tong Street in Bradford. The existing building forms part of a row of commercial premises and there are many other advertisements, street furniture and signage in the surrounding area. There are numerous retail and commercial uses surrounding the site along with some nearby residential uses. The area therefore has a mixed character.
5. There is already an existing paper and paste advertisement board in situ on this elevation along with a single lighting bar above. The proposed development would replace the existing board with an LED digital advertisement display showing multiple static advertisements on rotation. The overall size and position of the proposed display would be consistent with the existing display ensuring that it maintains a subservient relationship to the host building.
6. It is understood that the existing display does not have advertisement consent. Nonetheless, the appellant explains that the advertisement has been in place for a number of years albeit temporarily removed some time after 2018 but reinstated around August 2019. Consequently, and without evidence to the contrary, the display is a familiar feature in the locality and its overall size and scale is consistent with some of the other advertisements in the surrounding area which vary somewhat in size and format including some of an illuminated nature. Such advertisements are clearly visible when travelling along Tong Street which operates as a high-capacity main road.
7. Having regard to the character of the locality, including the presence of various advertising displays, and existing commercial signage to nearby establishments, the proposed replacement advertisement display would not appear out of keeping in this setting and would largely replicate the existing situation in an area that is clearly an established location for advertisements and signs.
8. I appreciate that the replacement advertisement would utilise a whole backlit display as opposed to the single lighting bar above. However, it would be no larger than the existing display and would not be a significantly more visible feature nor overly dominant in a street scene where a variety of displays are commonplace. It would not therefore unduly stand out from the existing street scene nor impact the visual amenity of the area. Furthermore, the maximum brightness will always be within the guidelines as set by the Institute of Lighting Professionals Technical Note 5 and will be controlled by light sensors to vary the brightness of the screens according to the brightness of the day. During the daytime, the maximum brightness may increase in order to make the screen visible during sunlight. This will ensure that the level of luminance of the advertisement is sensitive to the change in daylight from sunrise to sunset and from summer to winter. The level of illumination will therefore reflect local and ambient conditions.
9. There are three residential properties located to the northwest of the appeal site with their private amenity spaces fronting onto Tong Street. Whilst the advertisement would be visible, the primary elevation is orientated away from the proposed display overlooking Tong Street and their front amenity areas. Views would therefore largely be at an angle when viewed from inside the properties having minimal impact on neighbouring occupiers. Whilst more visible from the front amenity areas, there is already an externally illuminated display which

overlooks this amenity space which has been in place for a number of years and thus is a common/well established feature for these properties.

10. Appropriate conditions could control brightness, animation and the timing of image changes. The control mechanisms in place enable the display to mimic a traditional 48 sheet poster during the day and to ensure that it is muted and at a suitable contrast to the ambient light at nighttime. The advertisement would not therefore be deemed significantly bright or flashing as to result in a detrimental harm to neighbouring occupiers particularly when taking into account the existing character of the area. The area is also one which is well lit by both commercial premises and streetlights and thus the level of illumination would not represent a dominant feature and should be easily assimilated as part of the general character of the area. Such factors would also reduce its prominence on the wider built environment.
11. For the above reasons, I conclude that the proposed development would not unacceptably harm visual amenity. I have taken into account Policies DS1, DS3, DS5 and SC9 of the Core Strategy Development Plan Document, 2017 which together, amongst other matters, explains that plans and development proposals should create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials as well as not harming the amenity of existing or prospective users and residents. Given I have concluded that the proposal would not harm visual amenity, the proposal would not conflict with these policies or paragraphs 131 and 135 of the National Planning Policy Framework.

Conditions

12. The five standard conditions set out in Schedule 2 of the 2007 Regulations are imposed in the terms of my decision. I have also had regard to the conditions suggested by the Council's highways officer. These have been assessed in light of guidance found in the PPG and where necessary have been amended for clarity and precision. I find it necessary to impose conditions controlling the brightness, animation and the timing of image changes as well as requiring the display to freeze in the event of any malfunction. These are imposed in the interests of public safety and amenity. The appellant has suggested further limiting the levels of brightness. However, based on my findings above, I consider that the intensity of the illumination of the advertisement being no greater than within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide) to be sufficient in the particular circumstances of this case.

Conclusion

13. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

N Teasdale

INSPECTOR