The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/P4225/Z/21/3276295
Advertising Right 0713, Halifax Road, Wardle, Rochdale OL12 9AA

- 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 Mr Richard Page (Wildstone) against the decision of Rochdale Metropolitan Borough Council.
- The application Ref 20/01587/ADV, dated 21 December 2020, was refused by notice dated 22 April 2021.
- The advertisement proposed is new 48-sheet digital advertising display and removal of existing 48- sheet illuminated advertising display.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development from the Council's Decision Notice as it is far more concise than that used in the application form. I am satisfied that neither party has been prejudiced by this course of action.

3. The site address is shown as 'Land at 431 Halifax Road, Rochdale OL12 9AA' on the Council's Decision Notice, but I am satisfied that the site can be identified by the Application Form.

4. The Council have referenced a policy within the Rochdale Core Strategy. I have taken this into account where relevant, but the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) clearly states that issues to be addressed should only include amenity and public safety, which is reiterated by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG).

5. The Council have opposed the application on the grounds of amenity only and consider that the proposal would not detract from public safety. I have no reason to question that assessment and will not deal with the public safety issue any further in my report.

Main Issue

6. On the basis of the paragraph above, the main issue in this appeal is the effect of the development on amenity.

Reasons

7. The site is a grassed area adjacent a busy highway, in an area that is predominately residential in nature, but there are some commercial premises in

the vicinity. The site of the advertisement would be adjacent to, and parallel with 431-433 Halifax Road. The existing sheet advertisement would be removed as part of the proposals.

8. The proposed digital advertisement is 6m x 3m and would have a total height of approximately 5.15m, with a static, two-dimensional advert that would rotate every 10 seconds. The advertisement would be illuminated to a maximum of 5000 candelas per square metre in daytime and 300 cd/m2 at night.

9. The proposal would be readily apparent in an area that is in the presence of residential properties. It would appear out of place within the wider area with the presence of the proposed landscaping providing only some visual obstruction to those living closest to the advertisement. I do not consider the presence of other advertising in the area, or the removal of existing advertisements on site, would ameliorate the impact or justify the proposal as their impact is less apparent.

10. Digital advertising is by nature and purpose more visually strident than a more traditionally illuminated hoarding. Regardless of the setting of the sequential display and the absence of special effects, the proposal would harm the visual amenity of the area. The attention that would be drawn to the advertisement would make it more apparent, despite the reduction in the overall size. Whilst the existing advertisement hoardings do not make a positive contribution to the amenity of the area, this does not provide justification for granting consent for a harmful advertisement.

11. The size and positioning of the proposed advertisement board would be similar to the existing display. However, this size and positioning, when combined with the illuminated display and the format of displaying advertisements with changing images, would exacerbate the impact on the street scene. The proposed advertisement display would therefore appear more visually obtrusive than the existing board. While I appreciate there are other advertisements in the vicinity, these are generally much smaller in scale, such as shop or business signs above doors and windows, or present static non-illuminated displays.

12. The Council consider that the advertisement would harm the living conditions of occupiers of nearby residential properties. I observed that the location of the proposed advertisement is not directly overlooked from any nearby residential properties and I consider that were I to allow the appeal the effect on living conditions could be made acceptable through conditions relating to levels of luminance and hours of operation.

13. Consequently, the proposed advertisement would harm the amenity of the local area. As such, the proposal would fail to meet paragraphs 127 and 132 of the National Planning Policy Framework, which require development to be sympathetic to the local area and for the decision maker to consider the effect of advertisements on amenity. In accordance with the Regulations, I have also taken into account the provision of the development plan so far as it is material. The proposal would also fail to accord with Policy P3 of the Rochdale Core Strategy (2016) which amongst other matters, expects development to respect context and scale.

Other Matters

14. I have taken into consideration the standard conditions and those that could be created to mitigate the impact, but I find that these could not overcome the harm that I have identified.

15. I have also appraised the benefits forwarded by the appellant in favour of the proposal, but I find that these would not outweigh the harm identified.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I find that the appeal should be dismissed.

Paul Cooper

INSPECTOR