

## Appeal Decisions

Site visit made on 27 August 2024

**by Sarah Manchester BSc MSc PhD MIEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> September 2024**

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### **Appeal A Ref: APP/Z4718/Y/24/3340081**

#### **18 New North Parade, Huddersfield HD1 5JP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
  - The appeal is made by ARM Capital against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2023/65/93152/W.
  - The works proposed are installation of a single digital billboard.
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### **Appeal B Ref: APP/Z4718/H/24/3340077**

#### **18 New North Parade, Huddersfield HD1 5JP**

- 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 ARM Capital against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2023/64/93045/W.
  - The advertisement proposed is erection of single digital billboard.
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### **Decision**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

### **Preliminary Matters**

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### **Main Issues**

4. The main issues in Appeal A are whether the proposed advertisement would preserve a Grade II listed building, "18, New North Parade" (Ref: 1287151) (the LB), and any of the features of special architectural or historic interest that it possesses, the settings of nearby listed buildings and the extent to which it would preserve or enhance the character or appearance of the Huddersfield Town Centre Conservation Area (the CA).

5. The main issues in Appeal B are the effects of the proposed advertisement on amenity and public safety.

### **Appeal A Reasons**

6. The CA covers much of the urban land enclosed by the A62 ring road and it includes the railway station and the historic commercial core of the town with its numerous late 18<sup>th</sup> and 19<sup>th</sup> century buildings. The significance of the CA, insofar as it relates to the appeal, is primarily associated with the cohesive historic and architectural interest of the distinctive historic townscape.
7. The LB is an end of terrace property dating from the mid 19<sup>th</sup> century. It is 2-storeys, finished in ashlar with a pitched slate roof, moulded cornices to eaves and door, and sash windows. New North Parade was severed, and the LB terrace was truncated by the development of the A62. Nevertheless, the LB comprises a well preserved Victorian dwelling which, together with the street layout with key views and historic relationship to the town centre, makes a positive contribution to the CA. Given the above, I find that the special interest of the LB, insofar as it relates to the appeal, to be primarily associated the age and architectural features of the former townhouse.
8. The proposed advertisement would be fixed to the gable end elevation of the LB. It would be roughly 6m wide by 3m tall and it would be elevated above ground level by about 3m. It would display sequential static imagery, with levels of illuminance controlled in accordance with ambient light levels.
9. There would likely to be some harm to historic fabric resulting from the fixing of the advertisement to the LB. The contemporary advertisement, which would extend across much of the upper gable end elevation, would be incongruous and strident against the muted tones and natural materials of the gable end. In juxtaposition with the front elevation, the advertisement would be out of scale and keeping with the distinctive architectural features of the LB. By virtue of its large size and scale, its modern materials and illuminated changing imagery, it would be poorly related to the building. It would detract from and diminish the historic legibility of the LB.
10. Turning to the setting of nearby listed buildings, the Grade II listed "6, New North Parade" (Ref: 1287150), "8, New North Parade" (Ref: 1228534) and "10 and 12, New North Parade" (Ref: 1279453) form part of the LB terrace. There is variation between the facades of these properties, but they are similarly mid 19<sup>th</sup> century, 2-storey dwellings finished in ashlar with distinctive architectural details. The advertisement would also be prominent in views of the nearby Grade II listed "Large Brick Warehouse in Goods Yard, New North Parade" (Ref: 1228533), this being a substantially large and imposing industrial building constructed in connection with the railway station. By virtue of its diminution of the historic and architectural significance of the LB, the large and overtly modern advertisement would detract from the settings insofar as they contribute to the special interest of these listed buildings.
11. There are further listed and historic buildings on the far side of the A62 in the Greenhead Park New North Road Conservation Area, including the impressive Grade II\* listed "Former Huddersfield Infirmary" (Ref: 1228645). However, by virtue of distance and the intervening modern road, I find that the proposed

advertisement would not harm the setting of those listed buildings or consequently the CA within which they sit.

12. The gable end appeal site is prominent in the townscape. The advertisement would be widely visible from locations in the surrounding area including the A62, the end of New North Parade, New North Road, and the bridge over the A62 to the north of the LB. The overly large and contemporary display would be conspicuous and out of keeping with the surrounding historic built environment, being seen in the context of the LB terrace and listed buildings and in the important views along New North Parade towards the town centre and across the settlement to the surrounding elevated land. It would be a discordant feature that would diminish local distinctiveness and historic sense of place. As it would be prominent in the CA, it would be capable of harming the character and appearance and thereby the significance of the CA.
13. Given the above, I find that the proposed advertisement would fail to preserve the special interest of the listed building, the setting of nearby listed buildings and the significance of the CA. Taking into account the scale and nature of the proposal, I find the harm to be less than substantial but nevertheless of considerable importance and weight in the planning balance of the appeal.
14. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
15. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The appellant is of the opinion that the proposal would be beneficial because it could be used by local businesses, thereby supporting the local economy, and also for public health messaging.
16. While there could be local economic benefits, these have not been quantified nor is there substantive evidence that it would be used for public messages. Digital advertisements may be lower cost and have a lower carbon footprint than paper billboards, but the proposal would be a new advertisement and there is little evidence it would replace any existing advertisements. I note the suggestion that the proposal would remove graffiti from the gable end. However, this was not prominent at the time of my visit; the maintenance of the building is the responsibility of the owner; and the removal of graffiti is not dependent on the proposal. The LB is in use and the continued viable use of the LB is not dependent upon the appeal proposal. On this basis, any limited public benefits would not outweigh the harm that I have identified.
17. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building, the setting of nearby listed buildings and the character and appearance of the Huddersfield Town Centre Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with

policies LP2, LP24 and LP35 of the Kirklees Local Plan Strategy and Policies Adopted February 2019 (the LP) insofar as relevant.

## **Appeal B Reasons**

### *Amenity*

18. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the Framework and the Planning Practice Guidance (the PPG). Therefore, while I have taken into account the policies that the Council consider relevant, they have not been decisive in my determination of Appeal B. Nevertheless, the PPG advises that factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural or cultural interest.
19. In this case, the proposed advertisement is the same as the proposed works the subject of Appeal A. As such, the effects on visual amenity are the same as the effects of Appeal A on the character and appearance of the area.
20. Therefore, I conclude that for the reasons set out above in relation to Appeal A, by virtue of its siting, scale, contemporary materials and illumination, the proposed advertisement would harm amenity. Although not determinative in this appeal, as I have found harm in this regard, the proposed advertisement would conflict with LP policies LP24, LP25 and LP35. These require, among other things, that proposals respect and enhance the character of the townscape and any features of historic or architectural special interest and that they reinforce local distinctiveness.

### *Public safety*

21. The advertisement would be prominently sited facing the south-bound traffic on the A62 Castlegate road, between the joining Fitzwilliam Street slip road junction and the A640 Trinity Street junction. While it would not be readily visible to traffic on the slip road, it would be clearly visible and conspicuous to the A62 traffic approaching the traffic signals at the slip road junction.
22. The PPG acknowledges that advertisements are intended to attract attention, but those at points where drivers need to take more care are more likely to affect public safety. The main types of advertisement which may cause danger to road users include those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would distract road-users because of their unusual nature.
23. In this case, the large advertisement with its illuminated changing images would be a novel feature and unusual in the surrounding historic built context. It would distract the attention of drivers approaching the slip road junction on the busy A62. Moreover, as the advertisement would form a backdrop for, and be directly behind, the nearside primary and secondary traffic signals, the illuminated changing imagery would reduce the clarity and effectiveness of the traffic signals. It would confuse road users at the junction, where even temporary distraction and lack of signal clarity would have potentially serious consequences including in terms of colliding with waiting traffic or failing to stop and colliding with traffic exiting the slip road.

24. Therefore, I conclude that the proposed advertisement would be detrimental to the safe operation of the highway and it would harm public safety. Although not determinative, as I have found harm in this regard, the proposal would conflict with LP Policy LP21 insofar as it would not demonstrably avoid a detrimental impact on highway safety nor would it ensure safe flow of traffic. It would also conflict with the relevant aims of the Framework in relation to the safe operation of the highway.

**Conclusion**

25. For the reasons set out above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be dismissed.

*Sarah Manchester*

INSPECTOR