



Appeal Decision

Site visit made on 8 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/Z4718/Z/24/3350422

Huddersfield Auto Salvage, Paddock Foot, Paddock, Huddersfield HD1 4RY

- 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 Mr Paul Hardy of Vivid Outdoor Media Solutions (A) Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/64/91090/W.
 - The advertisement proposed is described as: 'Installation of a 1 x 48 sheet free-standing LED illuminated advertising display panel (measuring 6.2m wide x 3.2m high, and comprising pressed metal frame and sealed LED screen)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located adjacent to a Grade II listed building¹ referred to on the National Heritage List for England as 'Paddock Railway Viaduct' (Paddock Viaduct).
3. The Council has referred to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in its decision. This requires decision makers to have special regard to preserving the listed building or its setting. However, this statutory duty only applies to a grant of planning permission and therefore does not take effect when dealing with an appeal or application for an advertisement within the setting of a listed building. Nonetheless, that a building is listed is a material consideration when considering the effect on 'amenity'. The advertisement regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. My decision is on this basis.

Main Issue

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

Reasons

5. The appeal site is a vehicle salvage yard located on a corner at the junction of Paddock Foot and Market Street which converge in the vicinity of the Paddock Railway Viaduct. The appeal site is bounded by a stone wall with a palisade fence

¹ List Entry Number: 1134435.

set behind. The appeal site is visible between piers of the Paddock Viaduct for a considerable distance along the straight carriageway of Longroyd Lane.

6. The appeal site lies immediately opposite a row of terraced houses on Market Street which abut a pier of the viaduct. A motor sales yard adjoins the end of the terrace with further residential properties beyond. A further terrace of residential properties lie adjacent to the western boundary of the salvage yard. Beyond the immediate vicinity of the appeal site is a hand car wash and a number of commercial units. The appeal site thus has a mixed commercial and residential character.
7. Construction of Paddock Viaduct was commenced in 1845, prior to the opening of the railway line here in 1850. It is a sizeable, imposing and impressive structure crossing this part of Huddersfield and is consequently visible over a wide area. It comprises of 6 round arches at its north end, 4 box girder trusses to the centre and 5 round arches to the south end. The piers and arches are constructed of rock faced stone with ashlar banding and parapet coping details.
8. I am provided with little detail with regard to the heritage significance of the listed building. However, on the basis of my own assessment, its significance derives, in part, from its combination of attractive architecture and innovative Victorian engineering as well as its visual dominance of its setting, demonstrative of the development of the railway in the Victorian period here and its importance to the expansion of Huddersfield at this time.
9. The Victorian residential terraces are the tallest and most prominent buildings around the appeal site which, owing to their relationship and similar dates of construction contribute positively to the significance of the Paddock Viaduct. The more low-level commercial buildings and the open land between them, including that of the appeal site, whilst of little visual interest, allow for the dominance and scale of the viaduct to be appreciated. This is particularly evident in long views along Longroyd Lane, from which a significant portion of the listed building can be seen. Owing to its heritage significance, the Paddock Viaduct makes a substantial and positive contribution to the amenity of the surrounding area.
10. As highlighted by the appellant, there are numerous signs within the locality here. An existing sign relating to the salvage business is attached to the fence adjacent to the road junction with a further sign beneath on the stone wall. Along Longroyd Lane there are several signs, including two poster signs, immediately adjacent to the viaduct and a poster sign on each of its piers. However, there are no illuminated signs or digital display panels in the vicinity and illumination is limited to that provided by street lighting columns.
11. The proposed advertisement would be sited adjacent to the boundary of the salvage yard at the road junction, in the position of the existing sign associated with that business. It would comprise of an internally illuminated freestanding sign with an overall height in excess of 3.2 metres including its stand and a width of some 6.2 metres. It would therefore be considerably larger than the sign that exists here at present. Owing to its scale, height and illumination, it would be seen at a considerable distance along Longroyd Lane. In these views it would be observed in the context of the listed building and seen centrally, framed by the two historic piers, and against the backdrop of low level buildings. As a result, it would appear as a prominent and visually intrusive feature of the streetscene that, whilst

significantly smaller, would compete visually with the portion of the Paddock Viaduct that can be seen here. This would impact negatively on how the listed building is experienced in these views, to the detriment of its significance, particularly at low light levels and after dark. I therefore conclude that the proposed sign would, by reason of its height, size, siting and illumination, adversely affect the visual amenity of the neighbourhood of the appeal site.

12. I accept that there are other poster signs in the vicinity which have undoubtedly had an effect on the setting of the listed building. However, these are not illuminated which limits their harm and visibility in longer views. The appeal scheme, due to its scale and position facing the oncoming traffic would also be more apparent than those advertisements positioned parallel with the carriageway. Moreover, evidence of existing harm to listed buildings is rarely justification for further harm.
13. Similarly, evidence of a previously existing poster sign at the appeal site is not a convincing argument for the proposed scheme. A non-illuminated sign would likely have been notably less obtrusive in this location. Moreover, whilst I acknowledge the appellant's claim that this is a well-established location for advertisement, the previously existing poster sign has not been in place since 2017. I would note that the appellant admits that any consent has lapsed and thus it does not represent a fallback in this instance. As it is my role to assess the effect of the proposed advertisement on the amenity of the site as it exists now, the evidence of a previous advertisement at the site, that was removed some years ago, carries limited weight in my assessment.
14. The appellant argues that, without the appeal proposal, the 'default' position would be to leave the site in its current unsightly appearance. However, there is very little evidence of the previously existing advertisement at the appeal site and therefore it is unclear as to what unsightly appearance the appellant refers to. I am not convinced that the presence of the installation as proposed would result in a discernible visual improvement to the appearance of the salvage yard which, based on what is before me, would continue to operate as it does now. Nonetheless, as is argued above, the appeal site is not visually obtrusive at longer distances, unlike the proposed advertisement.
15. I acknowledge the support in the National Planning Policy Framework (the Framework) for new technologies, however the Framework also guides that heritage assets should be conserved in a manner appropriate to their significance.
16. For the above reasons, the proposal would adversely affect the amenity of the area. The proposal would therefore conflict with paragraph 141 of the Framework. I have taken into account Policies LP24, LP25 and LP35 of the Kirklees Local Plan (2019) which, amongst other things, seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Paul Martinson

INSPECTOR