



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 15/11/2023

Appeal reference: CAS-03011-M9H6T3

Site address: 21 Station Terrace, Cardiff Road, Merthyr Vale, Merthyr Tydfil, CF48 5SX

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Merthyr Tydfil County Borough Council.
 - The application Ref P/23/0165, dated 22 June 2023, was refused by notice dated 18 August 2023.
 - The advertisement proposed is installation of digital advertisement hoarding to display static advertisements on rotation.
 - A site visit was made on 8 November 2023.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal relates to a two-storey southern flank wall of an end terraced house positioned in a highly prominent location adjacent to a gap in the terraces of houses on a straight section of Cardiff Road. The site's immediate context is predominantly residential, generally free from commercial advertising other than the existing poster display on the appeal site. In such areas, Technical Advice Note 7: Outdoor Advertisement Control (TAN 7) recognises that poster advertising is out of place and should not normally be allowed.
4. The proposed advertisement would replace an existing static non illuminated poster display, of the same, or similar, dimensions and position, which has been in place for some time. However, the proposed digital advertisement hoarding would be illuminated from behind and would display multiple static advertisements sequencing every ten seconds. In my view, the illumination and change of images would result in the proposed advertisement having a significantly greater visual impact than the long standing existing non illuminated poster advertisement, particularly during the hours of darkness.

5. The advertisement would be prominent for a significant distance when approaching the appeal site from the south. Furthermore, it would also be visible from the frontages of the dwellings on the opposite side of the road, albeit at an angle, and from the side garden area of No. 15 Station Terrace. Given the prevailing residential character of the area, and notwithstanding the fact that the site is not within a Conservation Area or other similar sensitive location, the scale of the advertisement, combined with its illumination, and rotating images would introduce a visually jarring commercial feature, significantly more intrusive than the existing advertisement.
6. There are existing light sources from streetlamps in the immediate area, but these are soft forms of lighting with subdued spillage that would not effectively dilute the night time visual impact of an illuminated digital advert of this size, with rotating images. I accept that the brightness of the illumination and frequency of the transitioning of imagery could be controlled by conditions and would be operated in line with best practice guidance. Nevertheless, the proposed advertisement is intended to be seen and having regard to the strong residential context and existing low night time illumination levels, I consider any form of illuminated commercial display with image rotation would be insensitive to the area's character. Such controls would not therefore be sufficient to overcome the harm to visual amenities in this case.
7. The appellant has drawn my attention to a number of other upgraded advertisement sites in other locations in South Wales. However, on the basis of the evidence provided, the characteristics of these sites differ from the appeal proposal as they relate to more mixed use areas. I do not consider these advertisements to be directly comparable to the appeal proposal before me, which I have determined on its own merits.
8. I acknowledge the stated benefits of upgrading traditional advertisement hoardings, nevertheless, the powers under the Town and Country Planning (Control of Advertisements) Regulations 1992 can only be exercised in the interests of amenity and public safety.
9. Taking all of the above into consideration, I conclude that the proposed advertisement would be harmful to the visual amenity of the area.

Other Matter

10. I note the representation in relation to the potential distraction to drivers caused by the proposed illuminated advertisement. However, having regard to its position on a straight section of the road and the low speed limit, the advertisement would not be so distracting to drivers that it would have an undue impact on highway safety.

Conclusion

11. For the reasons given above, I conclude that the appeal is dismissed.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

H Smith

INSPECTOR