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# Appeal Decision

Site visit made on 13 September 2016

**by R W Allen B.Sc PGDip MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 September 2016**

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**Appeal Ref: APP/N4720/Z/16/3150999**  
**Harjass Motors, Pym Street, Leeds LS10 1PG**

- 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 Premium Vision Leeds Ltd against the decision of Leeds City Council.
  - The application Ref 15/06431/ADV, dated 21 October 2015, was refused by notice dated 26 April 2016.
  - The advertisement proposed is one freestanding digital sign.
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## Decision

1. The appeal is allowed and express consent is granted for the display of the 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 advertisement shall display sequential static images and changing not more frequently than every ten seconds.
  - 2) The intensity of the illumination of the permitted displays shall not exceed 600 candelas per square metre.

## Preliminary Matter

2. The application form gave no description of the advertisement proposed. I have therefore used the wording the Council provided in its decision notice in the banner heading above. I am satisfied neither main party is prejudiced in any way by this.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and on public safety.

## Reasons

4. The appeal is for the installation of two back to back digital advertisement screens, which would be positioned adjacent to, and projecting above the level of the A61 elevated carriageway. The proposed advertisement screens and structure would mirror the location, size and design of a similar advertisement and structure located on opposite side of the carriageway (the existing digital advertisements). This advertisement was allowed on appeal (Ref: APP/N4720/H/13/2202256 for "*a landmark advertising structure comprising 2 x 96 sheet displays (each of 12m wide x 3m high (plus framing))*").

5. The Council argues that insufficient information exists to properly determine the visual effect of the proposed advertisement. However, in its statement the Council acknowledges that visual merits would exist in twinning the proposed advertisement with the existing digital advertisement so as to create some visual symmetry, and act as a gateway to the area. This would suggest that the Council has already given some thought to effect of the proposal would have in this way. But that aside, it is not obvious why the Council could not have made a broadly accurate visual assessment based on the appearance of the existing digital advertisement and structure, irrespective of the absence of sufficient information given by the appellant.
6. In the appeal for the existing digital advertisement, the Inspector concluded that the digital advertisement screens and structure would not appear unsympathetic to its largely commercial and industrial surroundings, or be out of character with the nature of the area, where other relatively tall structures exist and where substantial buildings predominate on the skyline. The presence of an additional digital advertisement would not in my judgement amount to a reason to form an alternative view, such that I find no significant harm would occur to the character and appearance of the area.
7. Paragraph 067 of the Planning Practice Guidance (the Guidance) (Reference ID: 18b-067-20140306) identifies that public safety could be affected where advertisements are located at, for example, junctions, roundabouts and pedestrian crossings where drivers need to take more care. At my site visit, I travelled numerously in both directions on the A61 carriageway. I find that because of the alignment of the road and the height of the structure, the proposed digital advertisements would be readily visible from some distance away, such that the motorist would not be unduly surprised or distracted by their presence when travelling within close proximity to them.
8. Paragraph 068 of the Guidance (Reference ID: 18b-068-20140306) acknowledges that moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message may cause danger to road users. The Council states that the placement of moving images adjacent to the highway is prohibited by its Advertisement Design Guide for safety reasons. However, the Council's objection here rests not on the principle of the location, but on the fact that the images to be displayed would not synchronise the existing digital advertisement. Whether differing images would amount to a serious risk to public safety has not been substantiated in evidence before me. Although the A61 was moderately busy with traffic at my site visit, I am satisfied having regard to the circumstances of the site and the conditions and speed restrictions of the road that the advertisements could be read and absorbed without any obvious danger to public safety.
9. The Council has also drawn my attention to its Local Plan policies, which I have also taken into account as a material consideration. However, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of the appeal the Council's policies have not, itself, been decisive.

## **Conditions and Conclusion**

10. The appellant has suggested a number of conditions whereas the Council has not. Having regard to the advice contained within the Guidance, I have imposed a condition to restrict the displays to static images only and to control the rate of change of the images. However, I have imposed a further condition, consistent with that imposed on the appeal decision, for the existing digital advertisement to be limited in the level of illumination. These conditions are necessary in the interests of public safety.
11. Therefore for the reasons given above, I conclude that the display of the proposed digital advertisement would not be detrimental to the interests of amenity and public safety.

*R Allen*

INSPECTOR