
Appeal Decision

Site visit made on 13 September 2016

by Jean Russell MA MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/N4720/Z/16/3152717

Hurley House, Dewsbury Road, Hunslet, Leeds, LS11 5DQ

- 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 Matt Swindles o/b Primesight against the decision of Leeds City Council.
 - The application ref: 16/01090/ADV, dated 18 February 2016, was refused by notice dated 22 April 2016.
 - The advertisement proposed is a free standing 48-sheet display structure incorporating 1 no. digital 48 LED display (Option A).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has made another appeal, ref: APP/N4720/Z/16/3152720, against the Council's refusal to grant express consent for a free standing 48-sheet display structure incorporating 1 no. digital 48 LED display (Option B) at Hurley House. That appeal is subject to a separate decision.

Main Issue

3. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

4. The appeal site comprises a parcel of grassland between the two storey building, Hurley House, and Dewsbury Road, a dual carriageway. The site is at the southern end of Leeds City Centre and this is a fast and busy commercial area. There is an existing free-standing 48-sheet display structure on the site which faces oncoming drivers on southbound lanes. The proposed advertisement structure would be located directly to the rear of, or back-to-back with the existing display.
5. I saw that the existing advertisement appears congruous within this area – and its rear panel has a utilitarian appearance, which could be used for advertising without harm to visual amenity. The Council's *Advertisement Design Guide* (ADG) accepts that predominantly commercial areas are generally suitable for advertising – and that, where advertising is located within the middle of spaces, double-sided displays can be more successful to avoid problems from the backs of the panels.
6. However, and while the surrounding road network forms part of its setting, the existing sign appears closely related to Hurley House and contained within the small landscaped plot beside the building. The proposed display would double the depth or bulk of that existing – from a maximum of 700 to 1400mm – and I share the Council's concern that it would appear cramped within and detract from this

grassed area. It would create visual clutter which results in unacceptable harm to the character and appearance of the street scene.

7. I saw another free standing double-sided display structure opposite, but it stands within a central reservation which is larger and more open in setting than the appeal site. It could not justify a grant of consent for the proposed advertisement, which would overwhelm a smaller space and cause the cumulative harm that the ADG seeks to avoid.
8. I also find that the proposed digital display would unacceptably harm the amenity of users of Hurley House. In my view, that building would be in use outside of daylight hours at times – and indeed during varied weather conditions. The display would be sited at 90° to windows, but it would be nearer and more conspicuous and changeable than street lights or traffic. I consider that it would be sufficiently large, bright and close as to be unacceptably intrusive.
9. For these reasons, I conclude that the proposed advertisement would cause unacceptable harm to visual amenity.
10. I have taken into account Policy P10 of the *Leeds Core Strategy* (CS), which expects development to respect the character and quality of external spaces and the wider locality. Policies GP5 and BD8 of the *Leeds Unitary Development Plan (Review 2006)* (UDP) seek to avoid loss of amenity and to ensure that signs are sensitively located within the street scene. The policies are material to the case and the proposed advertisement would conflict with them.
11. The proposed advertisement would also conflict with the *National Planning Policy Framework* (the Framework), which advises that poorly placed advertisements can have a negative impact on the appearance of the built environment. It would conflict with the Government's online *Planning Practice Guidance* (PPG) which is permissive of large poster hoardings in the commercial areas of major cities, save where the advertisement would adversely affect visual amenity. The proposed display would also conflict with the ADG as described above.
12. These findings add weight to my conclusion on the main issue, but powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety, taking account of any material factors such as the development plan. In my determination of this appeal, CS Policy P10, UDP Policies GP5 and BD8, the Framework, PPG and the ADG have not been decisive.
13. The proposed advertisement would cause no unacceptable harm to public safety, but this does not alter or outweigh my conclusion on the main issue. For the reasons given above and with regard to all other matters raised, I conclude that the appeal should be dismissed and advertisement consent withheld.

Jean Russell

INSPECTOR