
Appeal Decision

Site visit made on 23 November 2016

by Simon N Hand MA

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

Decision date: 6 December 2016

Appeal Ref: APP/W2465/G/16/3142381

Land adjacent to railway bridge, Aylestone Road, Leicester

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal is made by Impact Outdoor Advertising Ltd against discontinuance action by Leicester City Council.
 - The Council reference is PE/ACB/20168003A. The Discontinuance Notice is dated 20 November 2015.
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Decision

1. The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and that use of the site for the display of advertisements with deemed consent cease by the end of one month from the date of this decision.

Main Issues

2. Whether the continued use of the site for the display of advertisements would cause a substantial injury to the visual amenity of the area or to highway safety.

Reasons

3. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The hoarding stands on the southern side of a railway embankment on the west side of Aylestone Road. In front of it, on the same side is a large British Gas depot. However, this depot stands back from the road behind a landscaped bank. The only building at the entrance to the depot is an attractive and richly decorated Victorian red brick building, now housing a museum. Next to that building is a row of substantial, red brick terraced houses, which also appear to be Victorian. On the opposite side of the road is what appeared to be an area of woodland. The embankment and landscaping in front of the depot are also wooded and so the hoarding stands in area that while it may be a busy commercial/industrial part of the city actually has the appearance of attractive woodland.

5. The opposite side of the road until recently it seemed supported a row of hoardings, but these have now been removed. The reasons for their removal are irrelevant to this appeal, but the effect is to leave the hoarding exposed and isolated in a surprisingly attractive setting. It therefore looks out of place and harms the character and appearance of the area. I consider this is a substantial injury to amenity and shall uphold the discontinuance notice.
6. The Council have also suggested it causes harm to highway safety. There are no traffic junctions in the immediate vicinity, the road is wide and straight with good visibility, and while there may be a bus and cycle lane, there is no reason why the sign, even when illuminated in the evening, should be such a distraction as to cause a danger to road users.

Simon Hand

Inspector