
Appeal Decision

Site visit made on 16 May 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 19 June 2017

Appeal Ref: APP/N4720/Z/17/3170906
Hallam Street, Guiseley, Leeds, LS20 8AG

- 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 Aireborough Waste Traders against the decision of Leeds City Council.
 - The application Ref 16/07198/ADV, dated 16 November 2016, was refused by notice dated 13 January 2017.
 - The advertisement is described as existing sign.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The advertisement subject of this appeal is in place and the application has been made retrospectively.

Main Issue

3. The *National Planning Policy Framework* (the Framework) indicates that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Against this background and having had regard to the submissions made, I consider that the main issue in this case is the effect of the proposal on the character and appearance of the locality.

Reasons

4. The appeal advertisement is sited on the eastern side of Hallam Street a short distance from its junction with the A65. The appeal site lies within the designated Guiseley Conservation Area. The double sided appeal advertisement is around 4.2 metres long and 1.2 metres high, and its lower edge is at a similar level to the top of the adjacent stone wall that runs along the eastern side of Hallam Street. To the east of that wall is an area of green space. With Hallam Road to the west, the A65 to the north and the greenspace to the east, the advertisement occupies a prominent position in a relatively open location within the street scene.
 5. I understand that the appellant has a scrapyards/waste transfer operation which is accommodated at premises accessed from the eastern side of Hallam Street, towards its southern end. However, the appellant has identified that it also
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owns the strip of land that forms the eastern side of Hallam Street between those premises and the junction with the A65, to the north. In this context, the appellant has indicated that the appeal advertisement is situated at the entrance to the site and a sign advertising those premises has been in the same position since around 1972. This has not been disputed by the Council. That being the case, it was a feature of the character and appearance of the Conservation Area when it was designated in 1985. To my mind it follows that the existing sign preserves the character and appearance of the Conservation Area.

6. However, that is not the end of the matter. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires, in exercise of planning functions, that *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area*.
7. The Framework recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It confirms that advertisements should be subject to control in the interests of amenity. The national *Planning Practice Guidance* confirms that amenity includes visual amenity and factors relevant to this include the general characteristics of the locality, including the presence of any feature of historic interest.
8. The appeal site falls within that part of the Conservation Area identified by the Council's *Guiseley Conservation Area Appraisal and Management Plan* (CAAMP) as *Character Area 2: Civic and commercial town* (CA2). It indicates that CA2 includes areas that developed as the commercial and civic focal points of the 19th century industrial town. The nearest neighbouring buildings to the appeal site on both the A65 and Hallam Street are identified as 'positive buildings', which make a positive contribution to the character of the Conservation Area. Furthermore, the CAAMP identifies that the universal use of stone unifies the historic streetscape and features which contribute to Guiseley's special character also include the stone boundary walls.
9. Whilst a number of the buildings neighbouring the appeal site, including some 'positive buildings' include shop units with associated signage, the signs are subservient features of the elevations of which they form part. In contrast, from a number of vantage points along the A65, which is a main route through Guiseley, the large, freestanding appeal sign interrupts and detracts from views of the neighbouring 'positive buildings' and green space. In addition, due to its dominant position, it diminishes the positive visual contribution of the lower, adjacent stone wall. I consider that the appeal sign makes a significant negative contribution to the character and appearance of the Conservation Area.
10. In the context of identifying opportunities for enhancement, the CAAMP advocates that, in locations where the public realm treatment negatively affects the special character of the Conservation Area, consideration be given to the reduction and sensitive design, siting and scale of markings. I consider that reducing the size of the appeal sign would reduce the harm it causes, thereby enhancing the character and appearance of the Conservation Area.
11. I conclude that the retention of the appeal sign, which harms the character and appearance of the locality and does not enhance the character or appearance of the Conservation Area, would be contrary to the interests of amenity.

Other matters

12. I have not been provided with any compelling evidence to show that if the size of the sign were to be significantly reduced, the requirements of the Environmental Permit as regards adequate signage at the entrance to the scrapyard/waste transfer facility could not be met. I have also had regard to the other benefits of the appeal advertisement cited by the appellant, as regards providing an economic benefit by attracting customers to the premises, and providing a highway safety benefit by adequately directing customers. However, I consider it likely that those needs could be adequately met by a far smaller sign. My view in this respect is reinforced by the small size of the sign directing drivers to 'Free Long Stay' parking, which is attached to the lamppost beside the appeal site, suggesting that far smaller signs than the appeal advertisement may be adequate for the purposes of attracting and safely directing customers, albeit to a different type of use. Under the circumstances, I give the benefits of the appeal advertisement identified by the appellant only moderate weight.
13. The Council has not cited any objections to the sign from members of the public. However, in my judgement, a lack of objections cannot be automatically interpreted as a sign of support, as the propensity of interested parties to object can be influenced by a number of factors. I give the absence of objections from members of the public little weight.
14. Whilst the Council has drawn my attention to a number of Development Plan Policies, those of most relevance appear to me to be Policy BD8 of the *Leeds Unitary Development Plan (Review 2006)*, which seeks to ensure that signs are well designed and sensitively located in the street scene, and Policy P11 of the *Leeds City Council Core Strategy, 2012*, which gives encouragement to the conservation and enhancement of the historic environment. With reference to my conclusion on the main issue, the appeal scheme would not accord with those Policies. However, as I have indicated, 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. Therefore, the identified policy conflicts have not, by themselves, been decisive.

Conclusions

15. For the reasons given above, I conclude that the display of the appeal advertisement harms the interests of amenity and, on balance, that harm is not outweighed by other matters. I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR