



Appeal Decision

Site visit made on 9 March 2020 by C McDonagh BA (Hons), MA

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2020

Appeal Ref: APP/N4720/Z/19/3243612

59-61 The George IV, Advertising Right No 4771, Commercial Road, Kirkstall, Leeds LS5 3AS

- 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 Richard Page of Insite Poster Properties Ltd against the decision of Leeds City Council.
 - The application Ref 19/05731/ADV, dated 12 September 2019, was refused by notice dated 29 November 2019.
 - The advertisement proposed is the replacement of an internally illuminated advertising display with an internally illuminated digital advertising display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the advert on public safety as it pertains to road users.

Reasons

4. The appeal site comprises the side elevation of a redundant public house. The area is commercial in nature and is one of the main routes into and out of Leeds City Centre along the A65 (Commercial Road). An existing internally illuminated advertisement display is in place which is proposed to be replaced by a digital version of the same size.
5. I noted on my site visit that this is an extremely busy part of the road network to and from Leeds city centre. This particular section of Commercial Road is traffic light controlled whereby the general flow of vehicles meets the end of a bus lane, with buses emerging back into the carriageway. As a result, drivers would need to pay particular attention to responding to traffic lights and the emergence of buses.
6. Planning Practice Guidance on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers

need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

7. While there are other adverts in the area, these are generally small in scale and/or not illuminated. Conversely, the proposed advertisement would be an isolated and dominant feature when approaching the traffic controls. This is despite the straight nature of the road and the display being set-back from it. When stopped at the primary traffic light, the secondary control is set directly against the backdrop of the advert. Given the intermittent changing of the advert display, albeit with little transition time, this has the potential to obscure or visually confuse the traffic light against this backdrop, posing a risk to road users on this busy stretch of road.
8. The appellant has recommended reducing the illumination of the proposed display by 50%. It is argued that this would see the unit operating at far lower levels of brightness and vibrancy than the existing display and result in the traffic lights appearing more vibrant. Nonetheless, unlike the existing advertisement, the proposed unit would be subject to changing displays. This would increase the visual interaction and prominence of the display and draw the eye of drivers in a situation where due highway observation and care is necessary.
9. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety and whilst I have had regard to the suggested non-standard conditions, these would not overcome this harm.
10. The Council refers to its development plan policies and of particular relevance is Saved Policy GP5 of the UDP. This seeks to maximise highway safety and so is material in this case. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies

INSPECTOR