



Appeal Decision

Site visit made on 19 May 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/N4720/Z/20/3248626

Advertising site at 22 Regent Street, Sheepscar, Leeds, LS2 7NA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston on behalf of JCDecauxUK against the decision of the Leeds City Council.
 - The application Ref 19/07383/ADV, dated 29 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the removal of an existing internally illuminated advertisement and the installation of an internally illuminated digital display of similar dimensions, the same height to underside.
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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 advertisement on visual amenity.

Reasons for the Recommendation

4. The appeal site is situated adjacent to Regent Street, a main road on the outskirts of Leeds city centre. An existing internally illuminated advertising display unit is located on the north-facing side wall of the site. The proposal is for the replacement of the existing unit with an internally illuminated digital advertising display unit.
 5. Paragraph 132 of the National Planning Policy Framework (the Framework) states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
 6. The Planning Practice Guidance (PPG) states that the local characteristics of the neighbourhood would always be considered in assessing visual amenity, and that a large poster-hoarding could be permitted in a commercial area of a
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major city where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site¹.

7. The appeal site falls within a predominantly commercial area, and there is a range of advertising and branding for the nearby businesses. I acknowledge that there is a disagreement between the parties about whether the existing advertising unit has consent although I note that it appears to have been displayed for some time. The proposed advertising unit would be modern and would not in itself be unattractive, and it would not lead to a proliferation of advertising in the immediate vicinity.
8. However, the existing advertising unit projects slightly forwards of the front elevation of 22 Regent Street. From the evidence before me, I understand that the existing unit measures approximately 6m in width while the proposed unit would measure approximately 6.4m in width. Owing to the position of windows in the side elevation of the building it would not be possible to position the unit any further to the left of its current position. Therefore, due to the increase in width, the proposed unit would project approximately a further 0.4m beyond the front elevation of the building. As a result of this overhang, the proposed unit would not respect the form and scale of the building it would be attached to and consequently the proposal would substantially detract from the character and appearance of the building and the immediate area.
9. I conclude that the advertisement would cause substantial harm to the visual amenity of the building and the area, and therefore would conflict with paragraph 132 of the Framework and with the guidance in the PPG. The Council has drawn my attention to Policy BD8 of the Leeds Unitary Development Plan (Review 2006) and to the Leeds City Council Advertising Design Guide (2006), both of which seek to protect visual amenity. However, whilst I have taken them into account as material considerations, 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 this appeal the Council's policy and Advertising Design Guide are not, in themselves, decisive.

Other Matters

10. I acknowledge that the proposal would use modern technology that may reduce waste and energy consumption although there is limited information before me in this regard. Nevertheless, even if this was considered a benefit it would not outweigh the harm identified above.

Conclusion and Recommendation

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

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

¹ Paragraph 079, Reference ID: 18b-079-20140306

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

S Ashworth

INSPECTOR