



Appeal Decision

Site visit made on 9 June 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/N4720/Z/20/3245549

St. David's Church, Dewsbury Road, Hunslet, Leeds LS11 8HB

- 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 Clear Channel UK against the decision of Leeds City Council.
 - The application Ref 19/06194/ADV, dated 4 October 2019, was refused by notice dated 29 November 2019.
 - The advertisement proposed is one LED digital advertising screen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the advertisement on the amenity of the area including the living conditions of the occupiers of the neighbouring properties with regard to outlook and; ii) the effect of the advertisement on public safety.

Reasons

Amenity

3. The proposed advertisement would be located on the site of St David's Church, a striking 1960's church building adjacent to Dewsbury Road within an area that is predominantly residential in character.
4. The church and church hall occupy sit central to their plot facing onto Dewsbury Road. To the rear, there is a large rectangular area of open space that runs northward from Dewsbury Road and is overlooked by surrounding residential houses. As such, the spaciousness of the church site and adjoining open space provide welcome open relief in what is otherwise a relatively densely developed suburb to the south of Leeds City centre.
5. The proposed advertisement would be sited at an oblique angle across the south west corner of the church site and close to a footpath which runs through the open space, linking Dewsbury Road with the residential properties to the north.
6. The advertisement would be an internally illuminated advertisement displaying static advertisements at a frequency of one every 10 seconds. Overall, the advertisement structure would measure around 6 x 6.3metres incorporating a

screen sitting above a 'vertical meadow' which would be integral to the supporting structure.

7. I note the appellant's submission that the level of illumination would not exceed 300 candela/sqm at night and that it would be switched off between 0:00 and 05:00am. Furthermore, I acknowledge that the appellant has suggested the imposition of planning conditions that would restrict the proposed advertisement from displaying any moving images.
8. The Council is concerned that the proposed advertisement would have a detrimental effect on the living conditions of the occupiers of neighbouring residential properties with regard to outlook. The advertisement would face westward towards oncoming traffic using Dewsbury Road and towards a commercial garage positioned on the other side of the road. As such, the front of the sign would not directly overlook any residential properties.
9. The closest neighbouring properties are located around 16 metres west of the proposed advertisement. The advertisement would be angled away from the properties however, the rear of the structure would be clearly visible from the residential properties and those using the public footpath between the houses and the advertisement. Given the scale of the structure, I consider that it would have some impact on the outlook from the closest properties however, acknowledging the separation distance it would not be significant.
10. Notwithstanding the above, I consider that whilst the 'vertical meadow' would soften the appearance of the advertisement to an extent, the advertisement, by reasoning of its overall scale, positioning and illumination would adversely affect the amenity of the surrounding area. Hence, the proposal would not accord with the amenity requirements of Policies BD8, BD9 and GP5 of the Leeds Unitary Development Plan 2006 Review (UDP), Leeds Core Strategy 2014 (LCS) Policy P10 and the Advertising Design Guide, Supplementary Planning Document 2006 (SPD).

Public Safety

11. The Highway Authority objects to the proposal on the basis that there have been two accidents within the vicinity of the appeal site within the last five years. Whilst I have not been provided with any detail in relation to the nature of the accidents, I have no reason to dispute the Council's submission. Furthermore, I have not been provided with any substantive evidence from the appellant in the form of accident data or otherwise which would lead me to an alternative conclusion.
12. Whilst I appreciate that my site visit represents a snap shot in time, I noted during my visit that Dewsbury Road was very busy with fast flowing traffic. I saw a number of pedestrians crossing the road close to the appeal site via a crossing point which links public footpaths on either side of Dewsbury Road.
13. The proposed advertisement would face oncoming traffic travelling south along Dewsbury Road as well as pedestrians using the crossing point to head north. I consider that due to its positioning, scale and illuminance it would have the potential to distract drivers at a point in the road where pedestrians are likely to be crossing, thus having a detrimental effect on public safety.
14. I have taken into account UDP Policy T2 and the SPD which seek to protect public safety by requiring, amongst other things that new advertisements are

not located on lengths of roads with history of accidents causing injury. Given that I have concluded that the proposal would be detrimental to public safety, the proposal conflicts with these policies.

Conclusion

15. For the reasons set out above and taking into account all other matters, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR