



Appeal Decision

Site visit made on 13 July 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/N4720/Z/20/3252293

**Land and Buildings on North Side of Conway Road, Harehills Lane,
Harehills, Leeds LS8 5JP**

- 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 20/01260/ADV, dated 10 February 2020, was refused by notice dated 22 April 2020.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the advertisement in the heading above has been taken from the application form which differs from that on the Council's decision notice. In Part E of the appeal form the description includes the wording as given on the original application and neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposal on visual amenity.

Reasons

4. The appeal site is located in a mixed use area which contains a variety of commercial, community and residential uses. The site is one of two hoardings located in close proximity to each other, one of which would be removed as part of the proposal. Although there are numerous signs associated with commercial uses in this area, these are of a scale appropriate to the individual businesses and there are no digital signs of the scale of the proposal. The proposal would be readily visible in views along the mixed use streetscape of Harehills Lane, including from a number of residential properties. I also saw that the site is prominent in views along the residential street of Sandhurst Place.
5. The proposed digital poster would be in the same position and of broadly the same dimensions as the advertisement that it would replace. However, the

- illumination resulting from the digital display and the frequent change in images would lead to a materially different appearance compared to the extant hoarding. As a result, its prominence would be exacerbated by the digital display and luminance, as well as the changing nature of the images.
6. The nature of the display would draw the eye and would be far more noticeable than the current paper and paste display. This would particularly be the case during the hours of darkness when it would become a dominant feature in an area that currently lacks this type of advertisement. I consider that this would be an obtrusive and discordant feature within the streetscape and in views from residential properties, even allowing for the mixed use and well-lit nature of the area.
 7. The appellant has suggested a number of conditions in respect of the display, including levels of luminance which are below industry standards. I am also mindful that the sign would display only static images. However, even with regard to those matters I consider that the digital display would be more intrusive than the extant sign. Whilst it may be possible to turn off the display for some hours overnight, this would not address the increased prominence of the digital display in the dark evenings.
 8. The removal of one hoarding would be a benefit of the proposal as it would reduce the visual clutter in the streetscape, although this would not outweigh the harm arising from the proposed nature of the display. The proposal would also have benefits in terms of CO2 emissions, maintenance and waste, although these would also not outweigh the identified harm to visual amenity. I acknowledge that the sign could be used to display public art and messages beneficial to the community, but there is no certainty that this would occur and in any event this would not mitigate the harm to amenity arising from the digital nature of the proposed display.
 9. In conclusion the proposal, due to its design and prominence in the street scene, would lead to significant harm to the visual amenity of the area.
 10. Consequently, the proposal would conflict with Policies P10 of the Core Strategy 2014 as well as Policies GP5 and BD8 of the Unitary Development Plan (Review) 2006 (UDP), which seek, amongst other things, to protect amenity. The proposal would also be contrary to the National Planning Policy Framework which advises that the quality and character of places can suffer when advertisements are poorly sited and designed. Furthermore, the proposal would not reflect the local context and amenity considerations of the Advertising Design Guide Supplementary Planning Document 2006. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken these policies and advice into account, they have not been a decisive consideration in my determination of the appeal.
 11. I do not consider that Policy BD9 of the UDP is relevant to this appeal as it relates to Conservation Areas and predominantly residential areas, neither of which applies in this case. However, this does not lead me to a different conclusion with regard to the identified harm to amenity.
 12. For the reasons given above I conclude that the appeal should be dismissed.

David Cross INSPECTOR