
Appeal Decision

Site visit made on 17 March 2021

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/N4720/Z/20/3262215
272 York Road, Leeds LS9 9DN

- 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 Wildstone Estates Ltd against the decision of Leeds City Council.
 - The application Ref 20/03375/ADV, dated 9 June 2020, was refused by notice dated 2 October 2020.
 - The advertisement proposed is the display of 1no. 48 sheet LED media display and associated logo box to replace existing internally illuminated 48 sheet display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on the visual amenity of the surrounding area.

Reasons

3. The appeal site comprises the first-floor flank wall of a two-storey building, which is in commercial use at ground floor level, but within an area that is predominantly characterised as residential. The multi-lane and partly elevated York Road separates the appeal site from the predominantly commercial area to the north west. The Council has found no record of the consent for the existing 48 sheet display at this location, nonetheless the appellant's assertion that it has been present for at least ten years is not contested.
4. The effect of the proposal would be to replace the existing static display with an LED media display of the same size. The proposal would be both brighter and sharper than the existing display, both during the day and during hours of darkness. The changing of the image displayed on the screen every ten seconds would also attract attention and increase visual prominence, notwithstanding that no moving images or flashing lights are proposed.
5. The display is orientated principally towards drivers on the York Road. However, even though the appellant argues that the site itself is within a mixed-use urbanised area, the appeal proposal would be clearly seen from parts of the surrounding residential streets. Overall, the brightness of the appeal proposal would appear incongruous, overly prominent and intrusive in the predominantly residential locality.
6. The appellant has referred me to an existing illuminated sign on the opposite side of York Road. Even though I observed that display to be bright and

prominent during the day, it is clearly related to the commercial area in which it is sited. Similarly, the property at 356 York Road relates to a more commercial area than the appeal site and, furthermore, details of the cited appeal decision for that proposal have not been provided to me.

7. That the luminance of the display is proposed to be reduced from best practice guidelines and adjusted according to daylight levels does not outweigh my findings, nor would the re-siting of the display at a slightly lower level than existing. The appellant also proposes a condition to prevent display of images between 11pm and 6am. However, this would not alter my findings of harm during the day. The existing signage at ground floor level on the appeal building is of substantially smaller size and, in any case, relates directly to the commercial use of the premises.
8. I conclude that the proposal would have a significant adverse effect on the visual amenity of the surrounding area, contrary to paragraph 132 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
9. I have also taken into account policy P10 of the Leeds Core Strategy (Review 2019), saved policies GP5, BD8 and BD9 of the Leeds Unitary Development Plan (Review 2006). Together, these seek to protect amenity and so are material in this case and, given my above findings, the proposal is in conflict with these policies. The reason for refusal also refers to the Leeds Advertising Design Guide Supplementary Planning Document (2006). This document has not been submitted to me, nonetheless the extracts provided by the appellant do not outweigh my above findings.

Other matters

10. A number of points relating to road safety and residential amenity have been cited by the appellant, however, these matters are not disputed by the Council.

Conclusion

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

Patrick Hanna

INSPECTOR