

Appeal Decision

Site Visit made on 16 August 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/N4720/Z/21/3276054

90 Compton Road, Leeds, LS9 6DG

- 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 Limited against the decision of Leeds City Council.
 - The application Ref 21/01089/ADV, dated 18 January 2021, was refused by notice dated 19 April 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach.

Main Issues

5. The main issues are the effect of the advertisement on the amenity of the area and public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons for the Recommendation

Amenity

6. The appeal site is the gable end wall of a mainly residential terrace, although the host building is partly in commercial use, in an area of mixed commercial and residential uses, facing a traffic light controlled four-way junction with pedestrian crossings. The area is not designated as a conservation area and my attention has not been drawn to other heritage assets in the locality.
7. There is commercial activity concentrated on the opposite side of the road, with residential uses being dominant close to the proposed advertisement. I noted some smaller advertisements on shop fascia's but did not see any higher-level digital adverts in the local area.
8. The advertisement would be located in a prominent position, highly visible from the surrounding area to both road users and pedestrians. In addition, the advertisement would be poorly sited on the gable of the host building and be out of proportion with it.
9. Whilst I understand that the current advertisement has been in place in this location for some time, the proposal before me would be distinctly different in terms of the digital features.
10. The intermittent changing of the illuminated display would significantly attract attention to the proposal, accentuating its visual prominence. This would result in a prominent, incongruous form of advertising which would appear as a harmful and dominating feature in the street scene. Whilst I accept that the area is lit with streetlights, on my visit I did not see any other large illuminated advertisements in the vicinity of the proposal. As a consequence, I find that the proposal would have a harmful effect on the visual amenity of the area. The suggested controlling of illuminance would not mitigate the harm that I have identified.
11. I therefore conclude that the proposed advertisement would result in unacceptable harm to the visual amenity of the area. In that respect the proposal is contrary to Policy P10 of the Core Strategy (2019), Policies GP5, BD8 and BD9 of the Unitary Development Plan Review (2006) and the Advertising Design Guide SPD (2006) (SPD) which although not decisive, seek in various ways to ensure that development does not harm the character of the area.

Public Safety

12. The National Planning Practice Guidance (PPG) section 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.
13. The proposed advertisement would not be visible to drivers approaching the crossroads from Compton Road and would not be unduly prominent to drivers

of vehicles approaching the junction from Harehills Lane from each direction. Accordingly, its presence would be unlikely to cause a distraction to drivers to the degree that would result in harm to public safety.

14. However, for those drivers approaching the junction along Foundry Approach the advertisement would be highly prominent. Although the new advertisement would be unlikely to be confused with the traffic lights, it would be located in close proximity to them and there would be a high probability that a driver's attention would be diverted by the illuminance and changing imagery of the advertisement at a point in the road where they would need to be focussing on traffic signals and road conditions. Such a loss of concentration on the highway conditions would be likely to result in harm to highway safety to both pedestrians crossing over Foundry Approach and to vehicles approaching the junction along this road, particularly if a vehicle drives through a red light.
15. There are a number of parking bays in front of the commercial premises on the opposite side of Harehills Lane to the proposed advertisement. I observed on my visit that in order to exit these bays vehicles were reversing into the road. Although vehicle speeds are likely to be low at this point in Harehills Lane, given the proximity to the junction, the presence of the changing advertisement and its luminance would be likely to distract drivers driving towards these parking bays, particularly in the evening when the advertisement would be particularly prominent. Such a distraction could well result in a driver of a vehicle travelling along the road colliding with a vehicle exiting the parking bay or braking suddenly to avoid a collision, which would pose a risk to highway safety.
16. I acknowledge that the existing advertisement has been in place for a considerable number of years, however its static display is distinctly different to the proposal before me. I also note the accident figures provided by the appellant, and whilst the figures are relatively low, they do indicate the complexity of the road conditions where drivers really need to be focussed.
17. The presence of the proposed advertisement would provide a distraction to drivers at a point where they need to be concentrating on the local highway conditions and a momentary lapse in concentration as a result of the advertisement would be likely to result in harm to public safety for the reasons set out above. The suggested conditions to control the display and level of illuminance would not mitigate the identified harm. Accordingly, the proposed advertisement would result in unacceptable harm to public safety with particular regard to the safety of road users, in conflict with Policy T2 of the Core Strategy (2019) and Policy GP5 of the Unitary Development Plan Review (2006) and the SPD which collectively seek to ensure that harm to highway safety does not result.

Other Matters

18. The appellant suggests that the proposal would result in benefits through the reduction of the amount of waste generated from replacing the existing paper and paste style advertising, opportunities to advertise charitable campaigns and public art. However, these are all matters outside the scope of the Regulations and have not been determinative in this case.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed.

RC Kirby

INSPECTOR