
Appeal Decision

Site visit made on 14 December 2021

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/Z4718/Z/21/3281239
100 Leeds Road, Huddersfield HD1 6NN

- 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 Mr Barber on behalf of Interlink Vision Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/64/91813/W, dated 27 April 2021, was refused by notice dated 22 July 2021.
 - The advertisement proposed is two LED screen advertisements on the side elevations of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021 before the appeal was submitted. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication.
3. The Regulations, the Framework and Planning Practice Guidance (PPG) all make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have drawn my attention to policies of the Kirklees Local Plan: Strategy and Policies (LP-SP), adopted February 2019, as relevant to the appeal. I take the policies into account as material considerations, only insofar as they relate to amenity and public safety.

Main Issues

4. The main issues are:
 - The effect on public safety, and;
 - the effect on amenity, including the character and appearance of the area and the living conditions of occupiers of neighbouring properties.

Reasons

Public safety

5. The appeal site comprises a two-storey building located on the eastern side of Leeds Road (A62) and at the junction with the northern side of Thistle Street, in close proximity to the associated signalised junctions and pedestrian

crossings. The signalised junction also includes Hillhouse Lane on the opposite side of Leeds Road to the west. The surrounding area comprises a predominantly commercial and retail setting alongside Leeds Road, with some residential properties adjoining the site on Thistle Street. Having driven along Leeds Road, Thistle Street and Hillhouse Lane during my site visit, the busy traffic flows and junction arrangements require high levels of concentration with due care and attention for other road users.

6. The proposal comprises internally illuminated light emitting diode (LED) advertisement screen displays with changing images. The individual advertisement displays proposed would be a 2.5m height by 3.5m width LED screen (Sign A) located on the side elevation facing onto Thistle Street and Leeds Road to the south at 3.8m above ground level. A larger 3m height by 4m width LED screen (Sign B) would be installed 3m above ground level on the gable end of the building facing Leeds Road to the north. The LED screen displays would replace existing non-illuminated signs of similar dimensions already in place in those locations.
7. The PPG¹ states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It also advises that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline, as would be the case with the proposed advertisement displays. However, the PPG² also lists the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which would because of their size or siting, obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display.
8. Signs A and B would be exactly the types of advertisement referred to above. However, the guidance in the PPG relating to advertisements in terms of public safety does not, of itself, mean that all internally illuminated signs utilising LED technology would be harmful to highway or pedestrian safety. The individual circumstances of the site and surroundings of each of the LED advertisement screen displays are, therefore, necessarily considered.
9. In terms of Sign A, Leeds Road has a relatively straight alignment passing the site and includes a marked cycle lane prior to the left turn onto Hillhouse Lane. However, a gentle curve of the highway further south results in the existing sign being partly obscured on the approach by lighting columns, flags and a totem sign associated with a car dealership. Consequently, given the modest size of the sign it is only fully legible at a relatively short distance from the traffic signals. This is close to the dual carriageway dividing into a further lane to turn right onto Thistle Street and where vehicles are often braking and/or changing lanes. The offset position of the sign on the opposite side of the road to motorists approaching along Leeds Road ensures that it is not likely to affect the interpretation of traffic signals. Nonetheless, although the existing sign is relatively discreet due to its size, static image and lack of illumination, its position has the potential to draw attention and distract from the road ahead.

¹ PPG: Advertisements - Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

² PPG: Advertisements - Paragraph: 068 Reference ID: 18b-068-20140306 Revision date: 06 03 2014

10. There is no evidence before me of any accidents or injuries having occurred because of the existing signs at No 100 and no comments were received from the Council's Highways Department. Nevertheless, based upon my own observations, it is inevitable that the introduction of an internally illuminated LED advertisement screen display with changing of static images would draw the attention of road users to a significantly greater degree than the existing non-illuminated static signs to be replaced. As such, Sign A would draw the eye of road users at moments which require care and attention to safely negotiate a busy stretch of highway and the existing junction arrangements. I, therefore, find that Sign A would unduly distract the attention of the users of Leeds Road approaching from the south resulting in an unacceptable increase in risk of accidents for vehicles, cyclists and pedestrians using the junction.
11. The harmful effect of Sign A is worsened by its relationship with traffic signals facing road users approaching the junction along Hillhouse Lane from the west. The dual lane section of that road has lower volumes of traffic than Leeds Road. However, it has a distinct downward slope when vehicles are approaching the junction, braking and changing lanes during which the angled profile of Sign A would be visible above and/or between the traffic signals. The combination of the internally illuminated LED advertisement screen display with changing images and more prominent visibility amongst the traffic signals would reduce their effectiveness. This would worsen the existing highway conditions of Hillhouse Lane by increasing the potential for distraction of road users when accessing the junction. Sign A, therefore, would also unacceptably increase the risk of accidents for vehicles and cyclists approaching from Hillhouse Lane and pedestrians using the signalised crossings.
12. Sign B would face traffic approaching from the north along a gently upward sloping section of the Leeds Road dual carriageway close to the junction with Thistle Street. The highway prior to the appeal site divides into a further filter lane to serve vehicles turning right onto Hillhouse Lane and there is also a cycle lane which ends immediately before a widened section that accommodates a bus stop. The associated bus shelter includes an existing LED advertisement screen display closer to the road edge which is smaller in size than Sign B as proposed to replace the existing non-illuminated sign on the gable end of No 100. During my visit, I observed that the sign to be replaced is partly obscured on the approach to the building by a totem sign associated with a car servicing centre and only becomes legible closer to the traffic signals.
13. The combination of the offset position of the proposed internally illuminated LED advertisement screen display with changing images as proposed by Sign B, visible alongside a smaller similar display within the bus shelter, would increasingly draw the attention of motorists from the road ahead. This would occur when vehicles and cyclists are changing lanes and/or slowing on the approach to the junction, with the added complication of buses stopping, re-joining the traffic flow and being overtaken. As such, the presence of Sign B would unacceptably increase the potential distractions for road users and thereby, the risk of accidents for vehicles, cyclists and pedestrians using the junction. Consequently, I find that Sign B would harm public safety.
14. In reaching the above findings, I have taken account of the presence of other illuminated signage in the immediate commercial surroundings, including the considerably larger dual sided freestanding LED advertisement screen display that at the time of my visit was installed on the western side of Leeds Road

further to the south. However, each of the existing signs drawn to my attention neither replicate the specific circumstances of the proposed Signs A and B, nor justify the harm to public safety I have identified. In that respect, I have considered that the frequency of change of static images and the illuminance levels of the signs during the daytime and evening hours could be controlled by condition to reduce the potential for glare in accordance with the recommendations of the Council's Environmental Health Department. Nonetheless, such controls would not prevent the harm identified.

15. I conclude that Signs A and B would harm public safety, due to the unacceptable increase in risk of accidents for road users. The proposal conflicts with Policy LP21 of the LP-SP and the Framework in that respect.

Amenity

16. Signs A and B would replace existing non-illuminated static signs of similar dimensions on the Thistle Street elevation of No 100 visible when approaching from the south on Leeds Road, and the gable end when approaching from the north on Leeds Road respectively. The Council have indicated that the existing signs do not benefit from express consent. Nonetheless, there are a wide range of other illuminated and non-illuminated signs visible from the site, including the larger dual sided freestanding LED advertisement screen display and a variety of signs located on or associated with commercial and retail units.
17. Where such a range of different illuminated advertisements are a common feature, Signs A and B would assimilate suitably with the building and its surroundings. In that regard, the illuminance levels of the signs during the daytime and evening hours could be appropriately controlled by condition. This would ensure that they are not overly prominent or discordant features when viewed amongst other illuminated signage and street lighting and would thereby, respect the character of the area with no adverse impact upon the setting of the Grade II listed Former Church of St Andrew. Furthermore, the screen displays face away from habitable windows of nearby residential properties, and there is no evidence to suggest that their operation would involve significant noise generation. I, therefore, find no harm to amenity in relation to the living conditions of occupiers of neighbouring properties.
18. I conclude that the proposal would not have a harmful effect upon amenity, including the character and appearance of the area and the living conditions of occupiers of neighbouring properties. It follows that it does not conflict with Policies LP24 and LP25 of the LP-SP or the Framework in that respect.

Conclusion

19. For the reasons set out above, I find that the proposed internally illuminated LED advertisement screen displays identified as Sign A and Sign B would both harm public safety. The proposal is, therefore, unacceptable as the identified harm in terms of public safety is overriding and is not outweighed by economic and environmental benefits associated with the installation and operation of the advertising screen displays nor the absence of harm in terms of amenity.
20. I, therefore, conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR