



Appeal Decision

Site visit made on 10 February 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/N4720/Z/22/3290980

JD Gyms, Unit 1, Kirkstall Industrial Park, Kirkstall Road, Leeds LS4 2AZ

- 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 JD Sports Plc against the decision of Leeds City Council.
 - The application Ref 21/08436/ADV, dated 8 October 2021 was refused by notice dated 26 November 2021.
 - The advertisement proposed is described as Fascia Artwork and Illuminated Elevation Signs.
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Decision

1. The appeal is allowed and express consent is granted for the display of the Fascia Artwork and Illuminated Elevation Signs as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹.

Preliminary Matter

2. At the time of my visit the advertisements had been installed. I am therefore considering the appeal retrospectively.

Background

3. The Council granted consent for the illuminated high level fascia signs (fascia signs 1, 2, 3 and 4 as identified on the application form) but refused consent for the vinyl signs (other types 1, 2, 3 and 4 as identified on the application form). I have therefore only considered the advertisements that have been refused.

Main Issue

4. The main issue is the effect of the advertisements on the amenity of the area.

Reasons

5. The appeal property is a large, detached building with a flat roof that is used as a gym. The bulk of the building is constructed of brick with profiled steel cladding, with a smaller building that includes the entrance, being located to the front, comprising low level brick work and a glazed curtain walling system divided into a grid of multiple small windows. It is to these windows that the disputed vinyl advertisements have been applied.
6. The building is sited adjacent to Kirkstall Road that is a relatively busy highway and forms a main route to Leeds City Centre. It is set back from the highway

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

by a landscape strip and parking area. The surrounding area contains a range of commercial and industrial premises, many of which have large advertisements.

7. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
8. The vinyl signs that have been installed cover the majority of the entrance building, with the Council stating it to be 80% of the area, although much of the vinyl covering is blank and contains no images, lettering, or purposes of announcement. I acknowledge that on many occasions, advertisements that dominate a building are likely to cause harm to amenity. In this instance however, I find that the vinyl signs have been installed in such a manner that the grid pattern of the glazed curtain wall is retained and remains clearly legible. The advertisements work with this architectural feature and arguably provide an element of visual interest to what would otherwise be a mundane and blank elevation.
9. Despite covering a significant proportion of the entrance building, when taken as a whole, they do not appear excessive in scale nor do they lead to visual clutter, including when considered in conjunction with the existing signage.
10. I therefore conclude that, in this predominantly commercialised area, the advertisements do not have a harmful effect upon amenity, thus they comply with Chapter 12 of the National Planning Policy Framework (2021).
11. I have taken the Council's identified policies into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
12. The advertisements therefore comply with the elements of Policy P10 of the Leeds Core Strategy (2014 Amended 2019) Saved Policies GP5 and BD8 of the Leeds Unitary Development Plan (Review) (2006) which seek to ensure, amongst other things, that signs are well designed and sensitively located within the street-scene and developments avoid the loss of amenity.
13. The advertisements also comply with the guidance contained in the Leeds Advertising Design Guide Supplementary Planning Document (2006) which outlines that advertisements should be of an appropriate siting and scale to avoid causing harm to amenity.

Conclusion

14. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR