



Appeal Decision

Site visit made on 8 March 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/N4720/Z/22/3291259

238-238A Tong Road, Farnley, Leeds LS12 3BG

- 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 21/08243/ADV, dated 15 September 2021, was refused by notice dated 30 November 2021.
 - The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The appeal site occupies a prominent location on the corner of Tong Road and Carr Crofts, on what is a main arterial route into and out of Leeds city centre. The surrounding area is mixed in use, with residential properties close to the appeal site but with mainly commercial premises within the backdrop of where the display would be located. These commercial premises have signage present, although they are generally modest in size and associated with the business that is in operation from the buildings on which they are located. There are other static poster boards elsewhere along Tong Road, but they are not visible in views taken towards the appeal site.
4. The existing display is large in size and is of a scale that stands alone in comparison to the smaller adverts associated with the businesses in the area. Due to its positioning and the alignment and the rising topography of the public highway towards it, it is a clearly visible feature in both short and long views taken along Tong Road. However, the existing display consists of a fixed poster which does not appear at the present time to be illuminated, although it may potentially have been illuminated by a strip light above in the past. These factors lessen the visual impact of the display, meaning that it has a more passive impact upon the visual amenity of the surrounding area than might otherwise be the case.
5. By contrast, the proposal would be internally illuminated and this would serve to draw attention to the display in a way that does not currently occur or has previously occurred, in particular at times when light levels were poor and

during hours of darkness. It would also be of a scale that would be much larger than other advertisements visible in the same view and it would display changing images. This would mean that it would become a visually dominant feature on Tong Road. As a result, and due to the fact that the appeal site is prominent and it occupies a position on a major road heading away from the city centre, the proposal would be an intrusive and overly dominant feature. Consequently, it would cause significant harm to the visual amenity of the surrounding area. I accept that there are other poster boards relatively near to the site, but they are not sited so to contribute to the visual context in which the display on the appeal site would be viewed.

6. The proposal would be positioned directly opposite The Star public house, a grade II listed building. This is a historic building which contributes positively to the visual character and appearance of the area including with respect to its design and detailing, and which has significance in that respect. The proposal would appear in collective views taken with the listed building, drawing much more attention away from it in comparison to the existing display, in particular due to its method of illumination and the fact that it would display changing images. This would cause harm to its setting.
7. This would further contribute to the overall harm to visual amenity that would arise and it could not be addressed by the suggested conditions, which include restrictions on the display and transition of images and on illumination levels. The presence of other signs in the area, including the existing poster board on the appeal site which I have found has a lesser visual impact, and that the proposal might not be readily visible from within the listed building also do not overcome the harm that would result. Whilst the appellant makes reference to paragraph 202 of The Framework, this policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. It is suggested that digital signs strategically reduce advertisement clutter elsewhere, although there is no substantive evidence to show that this is the case, or that this would occur as a result of the appeal proposal. That the appellant considers that the site is in need of upgrade and modernisation as the existing hoarding is poorly maintained, outdated and does not meet its optimum viable use does not justify the harm that I have identified.
9. Reference is also made to benefits from the use of digital displays with respect to matters such as waste reduction and management, servicing and maintenance efficiencies. There may also be economic benefits arising from the proposal and it is stated that the display could be used for charitable campaigns, public art and emergency messages. However, I can only base my judgement on the effect that the proposal would have on the interests of amenity.
10. For these reasons, I conclude that the proposal would cause significant harm to amenity due to its size, positioning, internal illumination, display of changing images and proximity to the listed building. I have taken into account Policies P10 and P11 of the Leeds Core Strategy 2019 and Saved Policies GP5 and BD8 of the Leeds Unitary Development Plan 2006 which seek to protect amenity and designated heritage assets, and so are material in this case, together with paragraph 136 of The Framework. Given I have concluded that the proposal would harm amenity including in terms of the setting of the listed building, the

proposal conflicts with these policies. The proposal would also fail to meet with the aims of the Advertisement Design Guide Supplementary Planning Document 2006 in the same respects.

Conclusion

11. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity.

Graham Wraight

INSPECTOR