



Appeal Decision

Site visit made on 23 May 2022

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/N4720/Z/22/3295384

71 Commercial Road, Kirkstall, Leeds LS5 3AT

- 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 ARM Capital against the decision of Leeds City Council.
 - The application Ref 21/01164/ADV, dated 10 February 2021, was refused by notice dated 14 February 2022.
 - The advertisement proposed is replacement of existing advertisement billboard.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The building to which the advertisement would be attached is Grade II listed (71 Commercial Road, list entry ref. 1375142), however there is no separate application for listed building consent before me.

Main Issues

3. The main issues are:
 - i) the effect of the proposed advert on visual amenity, having regard to the building's listed status; and
 - ii) the effect on public safety as it relates to road users.

Reasons

Amenity

4. 'Amenity' is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
5. The appeal site comprises the gable end of a detached three storey stone building at 71 Commercial Road (No. 71). The Grade II listed former workshop is currently in use as a retail unit at ground floor level with apartments above. Its age, siting and orientation suggests it may originally have been associated with the neighbouring pair of Georgian dwellings at Kirkstall House, 73 and 75 Commercial Road, a Grade II listed building (ref. 1375144), set back behind sizeable mature gardens.

6. The special interest of No.71 arises from its representation of a commercial building from the early 19th century and use of traditional building materials. The detached building directly abuts the highway and stands alone adjacent to a vacant car park, increasing its prominence in the street scene. The locality has a mixed character with a range of both commercial and residential uses, and a variety of architectural types both modern and traditional along the busy A65. No. 71 undoubtedly makes a positive contribution to the character and appearance of the area.
7. The A65 is a major road in this area, along which one would expect to see large advertisements such as the one proposed. Indeed, there are many which already exist nearby together with a proliferation of other commercial and highway signage. There is an existing timber billboard attached to the gable end of the building, which the Council indicates does not have consent. A short distance away beyond the vacant car park, adjacent to a derelict public house, is a 48 sheet electronic billboard which has been previously refused and dismissed at appeal¹. Notwithstanding this overall character of the area, the discrete area of Commercial Road in which the appeal site is located contains a group of more architecturally pleasing and historic buildings of a domestic scale and in a verdant setting.
8. The Council's design guidance² suggests that advertisements will generally be appropriate in industrial and commercial areas, subject to considerations which include special care in ensuring that any advertisement displayed on a listed building does not detract from the integrity of the building's design, historic character or structure. Paragraph 3.3 sets out that listed buildings and their settings are generally unsuitable locations for advertisement panels.
9. The proposed replacement billboard would be of similar scale to the existing, in the '48 sheet' format and 'portrait' positioning. However it would be a dynamic backlit LED screen advertisement, capable of displaying several different static images over time. On my site visit I found the existing timber billboard to be highly incongruous in its immediate setting, and particularly harmful to the special interest of the listed building. The proposed replacement display would be even more discordant due to its illuminated and dynamic properties.
10. As a result of its chunkier frame to accommodate the electronic screen, an even larger proportion of the gable wall of the listed building would be obscured by the advertisement. Although this elevation is plain, it accentuates the height and importance of the building on this busy thoroughfare. The advertisement would result in unnecessary clutter to this otherwise unfettered elevation.
11. The harmful effects are intensified by the close proximity of the site to other large advertisements including the aforementioned 48 sheet electronic billboard beyond the vacant car park. Other large advertisements in the immediate area are present around the car showroom and car wash on the opposite side of Commercial Road, and beyond Beecroft Street. Given the status of the road and the approach to a major junction with the B6157, there are also a number of traffic signs in this area. The proposed advertisement would unacceptably add to the visual clutter of signage in the locality.

¹ APP/N4720/Z/19/3243612

² Advertising Design Guide Supplementary Planning Document (November 2006)

12. In conclusion, I consider that there would be harm to the visual amenity of the area. Consequently, the proposal conflicts with Policies BD8 and GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP) which requires signs to be well designed, sensitively located within the street scene and carefully related to the building on which they are placed, and that proposals do not cause a loss of amenity. I also find conflict with Policies P10 and P11 of the Leeds Local Plan Core Strategy (2014; Selective Review 2019) (Core Strategy) which seek to ensure that proposals are appropriate to their context and respect the character and quality of surrounding buildings, and conserve and enhance heritage assets.
13. It follows that there would also be conflict with the design and historic environment policies within the National Planning Policy Framework (the Framework) and in particular paragraph 136 which sets out that poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Public Safety

14. On my site visit I observed that the A65 Commercial Road is a wide, busy and highly engineered road, reflecting its status as an 'A' road linking the city of Leeds towards the north-west of England. This particular section of the road includes a widened section of carriageway where a northbound bus lane terminates broadly opposite the appeal site. Here, traffic signals control buses back onto the main carriageway and there is a pedestrian refuge. At this point vehicles travel alongside a cycle lane then join filter lanes serving the junction with the B6157. Given the relatively complex carriageway arrangements, drivers in this location would need to pay particular attention to the traffic signals and signage both on the road and within the footway.
15. The Planning Practice Guidance (PPG) on advertisements 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. Furthermore, it advises that one of the main types of advertisement which may cause danger to road users are those which are illuminated, 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.
16. The proposed advertisement would only be visible to southbound traffic so would not compete with the adjacent traffic lights which control the northbound bus lane. Nonetheless, it would add to the proliferation of signage and road markings in this area, having the potential to distract road users at this section of Commercial Road. The effect would be heightened by its scale, proximity to the highway, and the illuminated and dynamic display. The changes to advertisements within the display would increase the visual interaction and prominence, which would draw the eye of drivers in a location where careful highway observation is necessary. In turn this heightens road safety risks increasing the potential of collision between road users.
17. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety. Whilst I have had regard to the appellant's comments that luminance levels can be controlled throughout the day, and the standard conditions, these would not overcome the harm I have identified.

18. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. The Council refers to UDP Policy GP5 and Core Strategy Policy T2 in its second reason of refusal. They expect new development to not create or materially add to problems of safety on the highway network, amongst other matters. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with these policies as well as paragraph 136 of the Framework in taking account of cumulative impacts.

Other Matters

19. The appellant has drawn my attention to the benefits of the use of digital technology to display static illuminated advert images on site as a sustainable method for display that avoids the need to reprint advertisements. However, these matters have limited bearing on my decision given that the Regulations require that I exercise my powers only with regard to amenity and public safety.

Conclusion

20. I conclude that the display of the advertisement is detrimental to the interests of amenity and public safety. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

Susan Hunt

INSPECTOR