



Appeal Decision

Site visit made on 7 July 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/N4720/Z/22/3301599

3 High Street, Morley, Leeds LS27 8AA

- 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 Group Limited against the decision of Leeds City Council.
 - The application Ref 22/01692/ADV, dated 2 March 2022, was refused by notice dated 3 May 2022.
 - The advertisement proposed is 48-sheet paper paste advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the sake of brevity and clarity I have used the description of development from the Council's decision notice.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Morley Town Centre Conservation Area and the setting of nearby grade II listed buildings.

Reasons

4. The appeal site is located within a predominantly commercial area and within the Morley Town Centre Conservation Area (MTCCA). The appeal site also lies around 103 metres away from two grade II listed buildings referred to as Mikes Carpet Warehouse and Phillips Auction Rooms.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Leeds City Councils Morley Conservation Area Appraisal and Management Plan (CAAMP) indicates that the appeal site is located within Character Area 1: Town

Centre, being the commercial and civic centre of Morley and it also describes key characteristics of this Character Area. The MTCCA, within the immediate setting of the appeal site, is characterised by various buildings of traditional design as well as a mix of land uses. The surrounding area is predominantly commercial at ground floor with a number of buildings having typical signage around shop fronts. There are other uses in the area including the adjacent car park and some residential buildings.

7. The grade II listed building known as Mikes Carpet Warehouse dates back to 1878 and is constructed from rock-faced stone with ashlar dressings and Welsh blue-slate roof. The Phillips Auction Rooms grade II listed building dates around 1870 made from fine quality ashlar to the front, hammer-dressed stone to sides and rear with Welsh blue-slate roof. Mikes Carpet Warehouse and Phillips Auction Rooms were originally a Methodist School and Church respectively. These listed buildings both individually and collectively have historical and architectural significance within the area.
8. The proposed advertisement is described as being of standard dimensions and would not be visible from long range views, including some of the key views described in the CAAMP. However, given its size and positioning, it would be an obtrusive feature that would be highly visible within the immediate street scene. The area is mainly commercial in nature and the existing signage and advertisements are mostly sensitive in scale and relate directly to the premises in which they are attached. The proposal would be a large structure unrelated to any premises and would not be in keeping with the existing commercial environment.
9. The adjacent car park, surrounding buildings and the adjacent highway are dominant features in the area. The proposed advertisement, whilst not being illuminated or contributing to a cluster of other advertisements, would be a standalone feature that appears at odds with the setting of the area and would not assimilate successfully within the street scene.
10. Due to the proposals, size, design and position, it would not appear as a subservient feature to the existing building to which it would be attached. Whilst not specifically mentioned in the CAAMP, the existing building is of traditional design and architectural detailing with a blank gable elevation. The existing building is angled from the main highway and views of the front of the building and the blank gable elevation are highly visible in the street scene with the combination of both the front and side elevation contributing to the historic setting. The positioning of such a large advertisement on the gable elevation would erode the traditional appearance of the historic building and compromise the character of the area.
11. It is understood that an advertisement was previously located in a similar position although the Council have indicated some doubt as to whether this previous advertisement had consent. The appellant has also indicated that public realm planting and seating would not be adversely affected. Nevertheless, the proposal would have a harmful effect on the historic environment and the architectural stylings of the property to which it would be attached. The proposal would not preserve or enhance the character and appearance of the MTCCA.
12. The appeal site is located over 100 metres away from the identified listed buildings and the proposal would also be angled away from these buildings.

Whilst there may be some views where both the proposal and the listed buildings would be visible, these would be fleeting views, and therefore given its location, I do not find that the proposal would have a harmful effect on the setting of the listed buildings.

13. Accordingly, the proposal would not preserve or enhance the character and appearance of the MTCCA. The proposal would conflict with Policies P10 and P11 of the Leeds Local Plan Core Strategy, saved Policies BD8, BD12 and GP5 of the Leeds Unitary Development Plan and the Leeds Advertising Design Guide Supplementary Planning Document which seeks proposals to provide good design appropriate to its location, scale and function, and to preserve or enhance the character or appearance of a conservation area.
14. The proposal would be harmful to the MTCCA and thereby the significance of the heritage asset. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
15. I have had regard to the appellants statement of case including comments that the proposal has the potential to contribute towards the maintenance and enhancement of shop frontages; the revenue income generated by the rental of the site would contribute to the upkeep of the building and any notable shop frontage features. The upkeep of the building would contribute to the MTCAA and subsequently have some public benefit. There is minimal evidence to indicate how revenue income from the proposal would directly contribute to the upkeep of the building, nevertheless, maintaining and enhancing this building would provide public benefit that I attribute minimal weight to. This public benefit however, would not outweigh the harm to the MTCCA which I have identified above.
16. The proposal would, therefore, fail to sustain or enhance the character and appearance, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Conclusion

17. The proposal would not have a detrimental effect on the setting of the nearby listed buildings. However, this matter would not outweigh the harm I have identified with regards to the effects on the MTCCA.
18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR