



Appeal Decision

Site visit made on 13 September 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/N4720/Z/22/3302448

Advertising Right Adjacent 23 Richardshaw Lane, Stanningley, Pudsey, Leeds LS28 7NB

- 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 Air Outdoor Media Ltd against the decision of Leeds City Council.
 - The application Ref 22/02032/ADV, dated 10 March 2022, was refused by notice dated 12 May 2022.
 - The advertisement proposed is upgrading of advert to digital poster display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. Therefore, while I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my assessment.

Main Issues

3. The main issues are the effect of the proposed advertisement on:
 - amenity, with due regard to the Pudsey Conservation Area; and
 - public safety.

Reasons

Amenity

4. The appeal site is within the Pudsey Conservation Area (the CA), which draws some of its significance from its industrial heritage and mixed architectural character, including streets lined by 19th and early 20th Century terraced housing.
5. The appeal site comprises the south-facing gable end of a stone-built terrace at the corner of Richardshaw Lane and Somerset Road. The building is identified in the Pudsey Conservation Area Appraisal and Management Plan as a positive building within the CA, although I consider the existing externally illuminated poster billboard at the site to be a harmful element which detracts from the character and appearance of the building and streetscene.

6. The replacement advertisement display of the same size and position would be even more conspicuous than the existing billboard by reason of the dynamic and continuous nature of its digital illumination with sequential changing images. In combination with its size and overtly modern appearance, this would significantly detract from the simple traditional character and appearance of the host building. Furthermore, given its prominent corner location and the distance over which it would be seen from the south, I consider that the change in the nature of the advertisement would be visually obtrusive and materially out of keeping with the host building and immediate context, notwithstanding the existing advertising at the site.
7. I have taken into account that the illumination of the advertisement display could be controlled to respond to changing ambient light levels and be significantly reduced at night. However, it would still be a highly conspicuous and obtrusive element within this particular context due to its size, prominence, and nature. Consequently, the conditions suggested by the appellant would not overcome my concerns.
8. The proposed advertisement would therefore lead to significant harm to the appearance of the host building and the street scene, and would not preserve or enhance the character or appearance of the CA.
9. I therefore find that the proposal would have a harmful effect on the visual amenity of the area. Whilst not decisive, the proposal would also conflict with Policies BD8, BD9 and GP5 of the Leeds Unitary Development Plan (Review 2006) (UDP), as well as the Leeds Advertising Design Guide Supplementary Planning Document 2006 (SPD). When read together, these require illuminated signs, particularly in conservation areas, 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. There is also conflict with Policies P10 and P11 of the Leeds Local Plan Core Strategy (2014; Selective Review 2019) (CS) 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.
10. For the same reasons, 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

11. The Council's objection to the proposed advertisement on public safety grounds has been informed by an objection from the Highway Authority. Concerns are raised regarding the increased potential for distraction for northbound motorists due to the proximity of the display to a 'high frequency' bus stop, road junction, and zebra crossing. Accident data has been cited which includes three incidents of 'serious severity' along this stretch of road.
12. I agree with the Council that the road environment along this section of Richardshaw Lane is comparatively complex, with multiple existing distractions and factors for motorists to take into account. For the reasons I have already set out above, the proposed digital advertisement display would be more 'eye catching' than the existing billboard and the images would change every

ten seconds. Consequently, I consider that the proposed advertisement display would provide an additional level of distraction for northbound drivers. Even momentary distraction could reduce the time to assess potential risks such as stopping buses, merging vehicles, or crossing pedestrians, thereby increasing the risk of an accident in this location. Whilst the accident data is not a decisive factor in my decision-making, it does provide some additional weight in support of my findings regarding the complexity of the road environment at this point, and the increased hazard to road users the proposed advertisement display would provide.

13. Indeed, the Planning Practice Guidance 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.
14. I therefore find that the proposed advertisement would be harmful to public safety. Whilst not decisive, the proposal would also conflict with Policy GP5 of the UDP, Policy T2 of the CS, and the SPD, in so far as they expect proposals to not create or materially add to problems of highway safety.
15. The proposal would also fail to accord with the Framework where it seeks to prevent the negative impact of poorly sited advertisements, taking into account cumulative impacts.

Other Matters

16. There would be benefits to the proposal such as the reduction in printed posters and associated travel to the site. 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

17. I conclude that the proposed advertisement would be detrimental to the interests of amenity and public safety. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR