



Appeal Decision

Site visit made on 23 August 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/N4720/H/22/3302117

192 New Road Side, Leeds LS18 4DP

- 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 Limited against the decision of Leeds City Council.
 - The application Ref 22/02035/ADV, dated 16 March 2022, was refused by notice dated 9 May 2022.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advert on public safety, and the amenity of the area.

Reasons

Public Safety

3. The proposed advert would replace an existing advert on the gable elevation of a terraced house, No 192 New Road Side. The appellant has stated that the existing sign has been in place for at least 13 years. The site is located within an area of both residential and commercial properties and is adjacent to a parade of shops. On the opposite side of the road there are cafes and other business premises.
4. The A65, the road adjoining the appeal site, is busy, as it is a key route into the centre of Leeds. The site lies a short distance from a road junction linking an adjoining road, Park Side, with New Road Side. Adjacent to this junction is a signal-controlled pedestrian crossing on the A65, with a bus stop in front of the parade of shops.
5. This location combines to create a busy hub where there are constant movements by vehicles and people. The plans suggest that the sign would be between 4.3 and 7.3 metres above ground level and so at this height most vehicles approaching from the east would be able to see the illuminated sign some distance before the road junction, the crossing and the bus stop. Whilst there is an existing advert in this location, and adverts by their nature are designed to attract attention, this is a conventional, static poster which would be less distracting to moving traffic.

6. The road approaching the sign is straight, and so the sign could be seen from some distance away. However, replacing this with an illuminated digital poster, which could change every ten seconds, would add to driver distraction in an area where concentration on vehicles and pedestrians needs to be focused.
7. Despite the assurance from the appellant that any changing image would be instantaneous and would not have an impact on the level of distraction, the advert would provide additional movement and changes to images and colours which would encourage drivers to view and focus on the advert. This would be more likely to happen than with the existing poster advert.
8. Although the appellant considers that there is a need to upgrade and invest in the signage at this site and that the proposal would represent a visual improvement, the existing advert is not unappealing.
9. As the site is in an area with existing lighting, illumination would not be unusual in this location. The appellants have also confirmed that the sign would satisfy the maximum luminance within industry guidelines, with the level of luminance being sensitive to change. Notwithstanding this, most of the existing signage on shops and businesses is of a more modest scale. The proposal would be the largest sign in this area, and as it is located on a gable elevation, which appears higher than the adjoining parade of shops, its prominence is greater. Whilst there is an existing advert of the same dimensions on the site, illuminated signage would mean that drivers of vehicles approaching the bus stop, just before the sign, would be drawn to the signage.
10. Upgrading the existing advert to an illuminated advert which could be changing every ten seconds, would be more distracting than a paper one and have a harmful effect on public safety in the busy local centre where there is constant activity from vehicles and pedestrians. Therefore, the proposal would not comply with Policy GP5 of the Leeds Unitary Development Plan (UDP), Review 2006, which seeks to ensure highway safety and Policy T2 of the Leeds Core Strategy (CS), 2019, which requires safe access for pedestrians, cyclists and people with impaired mobility. It would also not comply with the guidance in the Leeds City Council, Advertising Design Guide Supplementary Planning Document, 2006, as well as the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).

Amenity

11. The proposed sign is the same size as the existing signage. This is a large sign in the context of the side elevation of the house, to which it is attached, and it covers almost the whole width of the gable.
12. The scale of buildings around the site are modest. These are mainly stone and rendered traditional terraces, with the parade of shops being two-storey in height, with a flat roof. Whilst there are commercial properties along this stretch of road, these are small in scale and with modest signage. This overall creates a muted commercial area. Although the proposed sign would be no larger than the existing, and the appellant considers that the site is in an area where one would expect to find adverts, an illuminated, changing sign in this context would appear incongruous and out of place. The scale of the advert combined with its illuminated nature would dominate the site and the surroundings which would harm the visual amenity of the area. Therefore, the proposal would not accord with Policy P10 of the CS, Policies BD8 and BD12

and GP5 of the UDP, which requires appropriate design with signs sensitively located, or guidance within the Framework and the PPG.

Other Matters

13. Case studies and appeal decisions have been provided by the appellant. However, the full details of these cases are not before me and so I cannot consider to what degree they are comparable to the case before me. In any case the appeal has been determined on its own merits.
14. Although the appellant considers that there would be some social, economic and environmental benefits from the illuminated advertisement, these matters do not relate to public safety or amenity and so cannot be taken into account.

Conclusion

15. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is dismissed.

M J Francis

INSPECTOR