



Appeal Decision

Site visit made on 25 October 2022

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2022.

Appeal Ref: APP/W2465/Z/22/3304287

143 Abbey Lane, Leicester, LE4 5QT

- 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 against the decision of Leicester City Council.
 - The application Ref 20220043, dated 2 December 2022, was refused by notice dated 16 June 2022.
 - The advertisement proposed is a freestanding digital 48 sheet advert.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located on a busy main route (A6) that leads to and from the city. The area is mixed in terms of land uses, with a number of commercial uses located along this section of Abbey Lane. There are numerous signs of varying size and type, which are associated with the commercial uses, in the locality. Residential dwellings lie on the opposite side of Abbey Lane.
4. The proposal is to install a single illuminated 48-sheet digital advert display within the forecourt area of the appeal premises. It would be positioned at right angles to the road and would be 6m wide, 3m high and raised 2.5m above ground level. The proposed illumination would be static, although the images would change at 10 second intervals.
5. The Council considers that the proposed advert would have a negative impact on the visual amenity of the area, because of its mass, height and cramped siting. The Council's decision notice also states that the proposal would conflict with Policy CS03 of the Leicester Core Strategy. However, proposals for advertisement display are determined with regard to amenity and public safety. The provisions of the Development Plan are not determinative.
6. Nevertheless, I share the Council's concerns. Although the proposed advertisement would be located on a commercial site and within a stretch of Abbey Lane where advertisements of various types are displayed, I consider that a combination of its prominent position, height above ground level and overall size would be visually intrusive in the streetscene and harmful to the visual amenity of the area.

7. In reaching my decision, I have considered the public benefits of advertising, including the potential to display emergency messages, local advertising and hosting non-commercial campaigns in 'void' periods. However, I am not persuaded that these benefits outweigh the harm that I have identified.
8. I have also considered the existence of other adverts in the locality and further afield, in addition to the appeal decisions that have been brought to my attention by the appellant. However, each case must be considered on its own merits and I note that the appeal decisions relating to the displays at Blackbird Road (APP/W2465/Z/21/3269730) and Blackbird Avenue (APP/W2465/Z/21/3270964) were for advertisements that would replace existing displays.
9. The Council's Highways Officer expressed concern about the proposal in relation to public safety, with particular reference to the rate of change of the display. However, this was not included as a reason for refusal as it was considered by the Council that it could be addressed by way of a condition, should the proposal be acceptable in all other ways. I agree that the issue could be dealt with in this way, but as I have concluded that the proposal would be harmful in respect of amenity, there is no need to consider it further.
10. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR