



Appeal Decision

Site visit made on 16 February 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2023

Appeal Ref: APP/N4720/Z/23/3314785

Lyric House, Advertising Right 0061 01, 113 Tong Road, Farnley, Leeds LS12 1QJ

- 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 Ltd against the decision of Leeds City Council.
 - The application Ref 22/06869/ADV, dated 6 October 2022, was refused by notice dated 24 November 2022.
 - The advertisement proposed is installation of a digital advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the installation of a digital advertisement display at Lyric House, Advertising Right 0061 01, 113 Tong Road, Farnley, Leeds LS12 1QJ as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations in addition to the following:-
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays, motion pictures or sound. The speed of change between one static image and the next shall be no quicker than 10 seconds.
 - 2) All specifications in relation to Lighting/Brightness of the advertisements should be in accordance with PLG05 The Brightness of Illuminated Advertisements, and the Institution of Lighting Professionals.
 - 3) The advertisement panel hereby approved shall be non-operational between 2300 and 0600 on any day and have a maximum brightness during the hours of darkness of 100 cd/sqm, which shall be controlled by light sensor.

Procedural Matter

2. Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issue

3. Based on the above, the Council have raised no objections on the basis of public safety and therefore the main issue in this appeal is the effect on amenity. This includes the effect on the character and appearance of the Armley Conservation Area.

Reasons

4. The appeal site is situated within a commercial part of the Armley Conservation Area. Tong Road is a busy vehicular and pedestrian route which connects to the city centre. The adjacent building is a former cinema (Lyric House) now repurposed for use as a retail unit.
5. The appeal proposal would replace an existing 48-sheet externally illuminated advertisement hoarding located parallel to Lyric House and is visible to eastbound traffic heading toward the City Centre. The hoarding in poor condition and the top section is exposed when viewed from the rear.
6. Street lighting was evident in the locality along with some advertisements relating to the surrounding businesses. Advertisements in the locality tend to dominate frontages in their scale and number. However, with the exception of the existing hoarding, advertisement hoardings are not prevalent forms of advertisement in this locality of the Conservation Area although there are some further up and down Tong Road.
7. The significance of the Armley Conservation Area rests in its historical and architectural value and resembles a four spoked wheel with its nucleus around the Town Street area. Lyric House is mentioned in the Conservation Area Appraisal as a building of interest within the St Bartholomew's section.
8. The appeal proposal would be read directly with Lyric House, being located adjacent to that building, the other surrounding commercial and residential properties and also in the context of the visual activity which these attract throughout the day and evening.
9. Although within proximity to residential properties on Tong Road, only oblique views of the appeal proposal would be visible from those properties. The appeal proposal would not be prejudicial to the visual amenity of occupants.
10. The positioning of the proposed advertisement would not differ substantially from the existing hoarding. Differential in depth would not be discernible and would be offset by the removal of the bulk of the existing overhead lighting strip. Whilst prominent, the size of the advertisement would not dominate Lyric House or the surrounding area.
11. As a replacement, it would not be visually unexpected so as to constitute an alien feature within this particular street scene. Neither would the appeal proposal result in an addition that would cause a harmful cumulative impact.
12. The evidence does not indicate that the appeal proposal would mask or disturb any important architectural features of Lyric House or important vistas of the Conservation Area and surrounding buildings.

13. Although the proposed illumination, imagery and materials would have a different appearance to the existing advertisement, there is no substantive evidence to suggest that it would be significantly more intrusive in this particular location.
14. Whilst the level of luminance and transitioning of imagery could convey a greater presence during the hours of darkness, as this is a commercial area, these matters can be adequately controlled by conditions. The appellant is accepting of these.
15. The benefits of a digital display screen which have been advanced in terms of contribution to the economy and maintenance weigh in favour of the appeal proposal in this instance.
16. The general sense of decline in the fabric of this Conservation Area, which is subtly acknowledged in the Council's Conservation Area Character Statement, was observed. Indeed, the appeal proposal would secure a contemporary advertising display solution which would much improve the appearance and vibrancy of the existing site through the replacement of the existing hoarding and therefore its contribution to the wider area.
17. For these reasons, the appeal proposal would not harm amenity, including the character and appearance of the Armley Conservation Area. Rather, it would preserve the character and appearance of the Conservation Area.
18. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not cause harm to the amenity of the area, the scheme would meet the aims of Policies GP5, BD8 and BD9 of the Leeds City Council Unitary Development Plan (Review) (2006) which, amongst other matters, expects signs to be well designed and sensitively located and not detract from visual amenity.
19. I also find no conflict with the guidance set out in the Advertising Design Guide Supplementary Planning Guidance (2006) or the provisions of the National Planning Policy Framework as they relate to advertisements.

Conditions

20. The Council has indicated on the appeal questionnaire that they do not consider that any further conditions other than the five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that express consent as applied for is granted. The appellant has suggested additional conditions with their Statement which I have taken into consideration.
21. I have imposed additional conditions in relation to the nature of the images displayed and the luminance of the sign, as well as a condition to ensure the sign is offline during a passage of night-time hours.

Conclusion

22. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

Paul Cooper INSPECTOR