



Appeal Decision

Site visit made on 9 January 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 14th March 2023

Appeal Ref: APP/N4720/Z/22/3311030

41 Harrogate Road, Moortown, Leeds LS7 3PD

- 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 Miss Fiona Geraghty of GG Smiles Limited against the decision of Leeds City Council.
 - The application Ref 22/02632/ADV, dated 8 April 2022, was refused by notice dated 21 September 2022.
 - The advertisement proposed is described as 'sign of name of dental practice (smiles on Harrogate Road) and sign saying dentist advertisement on services we provide and any offers'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the fascia sign, light box and projecting illuminated sign had already been erected and are broadly in accordance with the drawings. I have considered this development based on the drawings provided and my observations on site.
3. The Regulations, the National Planning Policy Framework 2021 (the Framework) and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety. I note that the Council has raised no concerns with regard to public safety and this was not a reason for refusal. On the basis of there being no evidence to the contrary and my own observations made during the site visit, I see no reason to disagree.

Main Issue

4. The main issue is the effect of the advertisements upon the visual amenity of the area.

Reasons

5. Harrogate Road is mainly characterised by two-storey buildings with the active frontages of shops and commercial businesses at street level. Sitting at the end of a short terrace of two-storey houses on Ingle Row, the appeal property at 41 Harrogate Road (No 41) sits slightly apart from the adjacent buildings on Harrogate Road. Being the end property of the terrace, No 41 presents its gable end onto Harrogate Road.
6. The gable, which represents the building's active frontage and business entrance, has simple architectural features comprising a single, off-centre

window at first floor level which sits above a similarly off-centre door. This is flanked by two adjacent windows at street level, both of which extend to the height of the door. To the right there is an additional off-set window of similar proportions to the others.

7. Both the appeal property and the neighbouring shopping street sit within Character Area 1 (Historic Core) of the Chapel Allerton Conservation Area (CA). The Chapel Allerton Conservation Area Appraisal and Management Plan (CAAMP) details the significance of Ingle Row as amongst the earliest examples of rows of early 19th century small two-storey houses built of sandstone being characteristic of the historic core of the village. The appeal property, being part of this terrace, is identified as a positive structure in the area and it contributes to the character and appearance of the CA. There is a Grade II listed building on the opposite side of the road to No 41 with inter-visibility between the two buildings. No 41 therefore contributes to the listed building's setting and alterations to No 41 would affect the setting of the listed building. The commercial nature of No 41 does not remove the significance of the building.
8. The signage at No 41 consists of a horizontal main internally illuminated fascia tray which spans the width of the gable and sits between the ground floor door/windows and first floor window. Most commercial properties facing onto Harrogate Road display some form of fascia signage and in principle such signage is not incongruous within the street scene. The width of this part of the signage reflects that seen on other shop fronts and does not appear particularly over-dominant or in conflict with guidance within the CAAMP.
9. An integral part of the signage is a centrally mounted illuminated light box showing the business logo. This is a bulky feature which disrupts the simplicity of the fascia tray and the building. Also, as the first floor window and ground floor door are off-set from the gable's centre line, the position of this panel represents a discordant feature which does not respect the architectural detailing of the host building.
10. At the end of, and sitting above the fascia tray, is a smaller projecting double-sided light box. This is not an obvious feature when the building is viewed from the front. Furthermore, when viewed from either direction along the street, it is not particularly apparent that it sits at a higher level than the sign on the frontage. It therefore blends with other projecting features along the street including the examples shown in Figures 5 and 6 of the appellant's appeal statement Appendix 1 (Appendix 1).
11. The fascia and projecting signs have integral lighting units. This is contrary to advice within the Advertisements Design Guide which advises that within CAs external illumination is preferred. This advice is supported by the CAAMP which states that 'over-dominant fascia boards should be avoided' and that 'internally illuminated signs are not usually acceptable in a conservation area'. The illumination serves to highlight the prominence of the signage, the projecting sign and the central position of the light box. Furthermore, this part of Harrogate Road generally has non-internally illuminated signs on the shop fronts and commercial buildings in accordance with the above guidance. This includes the examples shown in Figures 1 and 2 of Appendix 1. Figures 3 and 4 of Appendix 1 do show internally illuminated signs however, these are on and within a group of more contemporary buildings. Furthermore, their planning history has not been provided and direct comparison is therefore not possible.

12. The Council has drawn my attention to Policies P10, P11 and P12 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and saved Policies GP9, N19, BD8 and BD9 of the Leeds Unitary Development Plan 2006. Collectively these policies, amongst other matters, seek good design which is appropriate to its location, respects and enhances streets and buildings according to the particular local distinctiveness, preserves and enhances the historic environment and requires signs to be well related to the character, scale and architectural features of the building. The signage is contrary to these policies. Whilst not determinate, I have taken these policies into account insofar as they are a material consideration.
13. For the reasons above, the combination of the fascia tray, illuminated light box and illumination of the projecting sign would harm the visual amenity of the area due to its unacceptable negative effect on the visual amenity of the host property, the street scene and the designated heritage assets.

Other Matters

14. As the appeal building is used as a dental practice it is stated that it is essential that signage is illuminated as the practice is open after dark and needs to be easily identified, particularly in an emergency. However, there are other ways in which the signage could be illuminated and there is no evidence to suggest that these other options, which may be more appropriate to the visual amenity of the area, have been investigated.
15. The appellant states that they were not aware of the status of the appeal building as a positive historic building either within the letting information or by being notified as such. Furthermore, they state that the signage company did not inform them that permission would be required for the signage. Although these may be the case, it does not alter the status of the building for the purposes of assessing the proposal within the context of its contribution to the visual amenity of the area.
16. As the signs have already been installed and paid for, there is concern that additional expense could jeopardise the financial security of the business. No evidence has been provided to support this view and this therefore, does not outweigh the harm to the visual amenity of the area identified.
17. The appellant suggests that other businesses breach guidance and that action should be taken accordingly. Furthermore, the appellant is dissatisfied with the way the Council dealt with this application, in particular the lack of time to make amendments to the scheme prior to determination of it. However, these matters do not have a bearing upon the particular merits of this case and I have given them little weight within my decision.

Conclusion

18. For the reasons given above I conclude that the advertisements are detrimental in the interests of amenity and the appeal should be dismissed.

J Symmons

INSPECTOR