



Appeal Decision

Site visit made on 5 May 2023

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/N4720/Z/23/3319028

71 Commercial Road, Kirkstall, Leeds, LS5 3AT

- 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 ARM Capital against the decision of Leeds City Council.
 - The application Ref 22/08239/ADV, dated 12 December 2022, was refused by notice dated 26 January 2023.
 - The advertisement proposed is replacement of existing advertisement billboard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No 71 is a listed building, listed at Grade 2. However, when dealing with an appeal for an advertisement on a listed building or within its setting, the statutory duty from s66(1) of the Act requiring decision makers to have special regard to preserving the listed building or its setting or any features of special architectural or historic interest does not apply. However, the advertisement regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest. I shall deal with the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the area and on highway safety.

Reasons

4. The internally illuminated freestanding box sign would be pole mounted. The overall height of the sign would be 3m, mounted on 2.5m high legs giving an overall height of 5.5m. It would be 6m wide. It would replace an existing poster billboard on the side of No 71. The Council say that this does not have advertisement consent and is subject to enforcement action.
5. No 71 is a 3-storey detached commercial building constructed from stone. It dates from the early 19th Century and was formerly a printing works. The appeal site is located on the busy A65, in a predominantly commercial area, as the road name suggests. Adjacent to the building is a customer car park for the business at No 71. The advertisement would be located at the edge of the car park, adjacent to the blank end elevation of No 71. There are numerous examples of advertisement hoardings in the surrounding area, including a

digital billboard at the opposite end of the car park to this one, adjacent to No 59-61. So that is seen when travelling in the opposite direction to which this one would be seen. According to the Council this does not have advertisement consent either.

6. The side of No 71 is visually prominent in the streetscene because of the gap in built development here and the position of No 71 built up to the edge of the footpath. As a result of its overall scale and bulk, the advertisement, along with its use of illumination would result in it appearing very dominant and visually intrusive in the streetscene. Moreover, the proposal introduces a large modern structure against the side elevation of a Grade 2 listed building, thereby detracting from its historic character and appearance. It would also be far more intrusive at night than the existing sign because of it being illuminated.
7. Overall, I find that the advertisement would have a significant adverse effect on the amenity of the area contrary to Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (CS) policy BD8 which seeks to ensure signs are well designed and sensitively located, within the street scene.
8. Turning now to the matter of highway safety, the advertisement is on a straight stretch of road with numerous signs. According to the Council daily traffic flows in Spring 2022 were measured at around 11,000 in each direction. The proposed sign would not be seen in conjunction with any active traffic lights when travelling in the direction of the sign. However, it would be close to a cycle lane and footway. A bus lane on the opposite side of the road terminates close to the site. This is controlled by a signal gating arrangement.
9. Consequently, as well as the very busy nature of this road, in this location there are additional distractions for drivers such as buses entering the main carriageway on the opposite side of the road and cycles in the cycle lane on the same side of the road as the appeal site. There will also be cars tuning into or out of the car park next to the proposed sign. All these things require drivers to be focused on the task of driving safely. A billboard such as the one proposed is likely to be an additional distraction to drivers and cyclists which because of the busy nature would be likely to result in a material reduction in highways safety. As such I am satisfied that the sign would be detrimental to highway safety contrary to CS policy GP5 which seeks, among other things, to maximise highway safety.

Conclusion

10. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and highway safety and the appeal is therefore dismissed.

Louise Crosby

INSPECTOR