The Planning Inspectorate

Appeal Decision

Site visit made on 28 April 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/N4720/H/23/3316254
192 York Road, Leeds, LS9 9LN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by V2 LED Ltd against Leeds City Council.
- The application Ref 22/05225/ADV is dated 26 July 2022.
- The advertisement proposed is described as the replacement of existing 16 sheet advertising billboard (measuring 3m x 2m) with Portrait wall mounted LED illuminated advertising display panel (measuring 2.8m x 1.9m).

Decision

1. The appeal is dismissed and advertisement consent is refused.

Main Issue

2. The Council do not raise any issue with the proposed advertisement in respect of public safety. Based on the evidence before me, I concur with the Council on this matter. The main issue is therefore the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The appeal property is the end property on a terrace of properties on Raincliffe Street. The terrace is primarily made up of residential properties, with a commercial unit forming the ground floor of the appeal property. It is located on the corner of Raincliffe Street and York Road.

4. Paragraph 136 of the National Planning Policy Framework (2021) (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

5. York Road is a busy main road leading in and out of Leeds City Centre. The wider area contains a number of commercial properties and advertisements. The appeal property is nevertheless of a style which is more akin to the residential terrace it adjoins, which has the clear appearance of a residential street largely devoid of significant amounts of advertisements.

6. Having a commercial unit to its ground floor, one might reasonably expect appropriately designed advertisements on an appropriate fascia relating to the business being carried out. The advertisement subject to the appeal is, however, notably different.

7. Due to its size and elevated siting, the display of illuminated digital images would be striking and prominent and would not integrate well into the street scene of Raincliffe Street. The advertisement would dominate the building and visually compete with its fenestration and architectural features. For these reasons, the appeal proposal would create visual clutter and constitute an incongruous feature on the building and in the wider area.

8. I acknowledge that there is an existing poster hoarding at the appeal property. At the time of my visit, it was in relatively poor condition and visually unattractive. The Council have set out in the planning history that this was refused consent although the appellant sets out that it is lawful and benefits from 'deemed consent' owing to the length of time it has been displayed. The proposed advertisement would be of a similar size and siting. Unlike the existing installation, it would be illuminated. This significant difference limits the weight being given to it in the appeal.

9. The appellant sets out that the area has changed significantly since the previous decision. Although there is limited evidence, the suggestion relates to York Road, whereas there is nothing to suggest that the Raincliffe Street street-scene has changed significantly. Either way, I do not consider that this would justify the harm I have identified.

10. The appellant has suggested a number of conditions. I do not however consider that these overcome the harm I have identified.

11. I therefore conclude that the proposed advertisement would have a harmful effect upon amenity and thus would be contrary to the Framework.

12. I have taken the Council's identified policies into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

13. The advertisement would therefore be contrary to the elements of Policy P10 of the Leeds Core Strategy (2014 Amended 2019) Saved Policies GP5 and BD8 of the Leeds Unitary Development Plan (Review) (2006) which seek to ensure, amongst other things, that signs are well designed and sensitively located within the street-scene and developments avoid the loss of amenity.

14. The advertisement would also be contrary to the guidance contained in the Leeds Advertising Design Guide Supplementary Planning Document (2006) which outlines that advertisements should be of an appropriate siting and scale to avoid causing harm to amenity.

Other Matters

15. The appellant has drawn my attention to two appeal decisions[1] that were allowed and granted advertisement consent. I have been provided with copies of both decisions and 'before and after' images. From the evidence, both locations appear significantly more commercialised than the appeal property and its immediate surroundings. They also both relate to advertisements sited on gable walls. Therefore, whilst I have acknowledged these decisions, I give

[1] APP/M4320/Z/20/3261132 and APP/M0655/Z/20/3251305

them limited weight in the appeal, which I have, in any event, determined on its own individual merits.

16. The appellant has referred to dialogue with the Council which indicated a favourable decision would be made. I acknowledge that the appellant would be frustrated with this and also the failure of the Council to determine the application. Such indications are, however, typically given without prejudice to the formal decision of the Council. Neither matter would therefore be a reason to allow the appeal.

Conclusion

17. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed and advertisement consent refused.

A M Nilsson

INSPECTOR