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# Appeal Decision

Site visit made on 2 May 2023

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 May 2023**

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**Appeal Ref: APP/N4720/Z/23/3317984**

**South Side of Kirkstall Road, Burley, Leeds LS4 2AS**

- 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 Limited against the decision of Leeds City Council.
  - The application Ref 22/08043/ADV, dated 21 November 2022, was refused by notice dated 27 January 2023.
  - The advertisement proposed is Installation of 48 sheet D Poster advertisement hoarding.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of the proposed advertisement varies from the application form to the Council decision notice. That on the application form adequately describes the advertisement. I acknowledge that it is in digital form with illumination, constructed of digital LED panels.

## Main Issue

3. The main issue is the effect of the advertisement on the visual amenity of the area.

## Reasons

4. The advertisement would be located to the south-western side of the busy Kirkstall Road, largely in the same position as some existing red hoarding at the south-eastern end of the car park serving Machine Mart.
5. The closely adjacent rail viaduct (Grade II listed) is a very large, well established structure dating from 1849 that spans the Leeds-Liverpool Canal, Viaduct Road and the River Aire along with Kirkstall Road further to the north.
6. Its consistent materials repeated elegant arched openings and detailing can clearly be viewed from Kirkstall Road and because of its height and bulk, it dominates its immediate environment.
7. Given the positioning of the advertisement close to the north-western side of the viaduct, it would be most prominent in views from that side of the viaduct when approaching the site along Kirkstall Road.

8. Given the highly commercial nature of the area around the viaduct to the south side of Kirkstall Road, advertisements are a common feature, often affixed to the commercial buildings themselves. However, for such an area, much of those advertisements appear reasonably restrained in their appearance.
9. Machine Mart has a very large advertisement on its elevation facing Kirkstall Road. However, that is at various points on approach from the north-west, screened from view by the building to the north-west of the appeal site situated further forward to the highway. It is not clear whether this sign is illuminated and in what manner, but in any event, it is a reasonably simple sign of black text on a light background.
10. There is some highways signage visible on the approach and the illuminated totem sign at the petrol station further along the road is partly visible, although this is set well back and partly obscured by the viaduct structure itself. The current environment on Kirkstall Road therefore makes a broadly neutral contribution to the setting of the viaduct.
11. By reason of its design, appearance, and purpose, the digitally illuminated advertisement would form a bright and prominent feature, which would draw the eye. The advertisement would also be of a highly modern appearance.
12. The advertisement would therefore form a dominant feature in views from the north-west, which would visually compete with and distract from and dominate views along Kirkstall Road towards the viaduct. Its modern appearance would contrast sharply with the well-established viaduct. The advertisement would subsequently detract from the setting of the viaduct and would adversely affect the visual amenity of the area.

### **Other matters**

13. The Council has cited policies P10 and P11 of the Leeds Core Strategy (2019) (CS) and saved policies GP5, BD8 and N17 of the Leeds Unitary Development Plan Review (2006) along with the Leeds Advertising Design Guide Supplementary Planning Document (2006). The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.
14. I note that there are some social, economic and environmental benefits associated with new, efficient, and modern digital displays. However, such benefits would not be extensive in relation to what is a modest proposal and I have afforded greater weight to the harm that I have identified.
15. The imposition of the operational conditions and controls on levels of brightness would not address the harm identified above. I note that the Council Conservation Team did not want to appear to comment on the proposal, but this does not in itself justify it and I afford this matter limited weight.
16. Only very limited details of the Bradford appeal decision (APP/W4705/Z/21/3280405) are before me. However, on the basis of the information, whilst it appears to confirm that digital advertisements can sometimes be acceptable near to heritage assets there is nothing compelling to convince me that this scheme was directly comparable and I therefore afford this matter limited weight.

## **Conclusion**

17. The advertisement would unacceptably harm visual amenity. Accordingly, I conclude that the appeal should be dismissed.

*T J Burnham*

INSPECTOR