



Appeal Decisions

Site visit made on 1 August 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal A Ref: APP/N4720/W/23/3322404

Land O/S 42-44 Briggate, Leeds LS1 6HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by New World Payphones against the decision of Leeds City Council.
 - The application Ref 23/00914/FU, dated 1 February 2023, was refused by notice dated 5 May 2023.
 - The development proposed is described as reinstatement of telephone kiosk and ancillary advertisement.
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Appeal B Ref: APP/N4720/H/23/3322401

Land O/S 42-44 Briggate, Leeds LS1 6HD

- 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 New World Payphones against the decision of Leeds City Council.
 - The application Ref 23/00915/ADV, dated 1 February 2023, was refused by notice dated 5 May 2023.
 - The advertisement proposed is an illuminated digital advertisement display integrated within telephone kiosk.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. Thus, with respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.
5. The proposal subject to Appeal A is described by the appellant as a reinstatement of telephone equipment. However, it is evident that the previous equipment being referred to was sited in an entirely different location on Boar Lane. I have no evidence that any telephone equipment previously existed at the appeal site. I have determined the appeal accordingly.

Main Issues

6. The Council did not raise any concern in relation to public safety, and I have no reason to disagree. Therefore, the main issue in both appeals is the effect of the proposals on visual amenity and the character and appearance of the area.

Reasons

7. The appeal site forms part of a wide pedestrianised street which is flanked by major retail units on both sides. There is an array of existing street furniture, including lampposts, benches, bollards, cycle hoops, and litter bins, but these are either low in height, or of a slim profile, and are arranged in a co-ordinated fashion at regular intervals, such that they do not unduly detract from this attractive area of public realm, a designated Civic Space (green/open space).
8. A number of kiosks, digital adverts, and wayfinding units, including one that is very similar to the appeal scheme, have already been introduced further to the north and south, appearing somewhat cluttered in places and at odds with the otherwise consistent street furniture. However, they are mostly concentrated near to street junctions. The vicinity of the appeal site is more central and remains pleasantly spacious and uncluttered by such features.
9. Apart from its alignment, the proposed kiosk would, through its size and appearance, be markedly out of keeping with the rhythm and consistency of the existing street furniture and would unduly detract from the spacious and largely uncluttered character of the public realm in this location. I note that my findings in this regard are consistent with a previous appeal for a kiosk outside 47-49 Briggate¹.
10. The integrated digital display screen, capable of displaying several static images over time, would draw further attention to the kiosk, and in combination with other existing digital advertisements along Briggate, would result in an excessive proliferation of such features. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled.
11. Overall, even taking into account the busy commercial surroundings, and that telephone kiosks are a fairly common feature in the city centre, I consider that the proposed kiosk and its digital display would be a visually obtrusive addition within this part of the public realm.
12. I therefore conclude that the proposals would be harmful to visual amenity and the character and appearance of the area. Consequently, and although they are not determinative in relation to Appeal B, the proposals would conflict with Policies P10, G6, and SP3 of the Leeds Core Strategy (2014; Selective Review 2019) where these seek to ensure that proposals are appropriate to their context; enhance streets and the sense of place within the city centre; and protect designated areas of green/open space in the city. There is also conflict with Policies BD8 and GP5 of the Leeds Unitary Development Plan (Review 2006) where they require signs to be sensitively located, and that proposals do not cause a loss of amenity.
13. The proposals are also contrary to paragraphs 130 and 136 of the National Planning Policy Framework (the Framework), which state that development

¹ Appeal ref: APP/N4720/W/17/3192040

should, amongst other things, add to the overall quality of the area and establish or maintain a strong sense of place; and that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

14. There are a number of grade II listed buildings located within the wider vicinity of the appeal site, including at 50-51, 133, 135-137 Briggate. The Leeds City Centre Conservation Area also lies further to the south. However, given the scale of the development, distances involved, angles of view, and busy commercial context, I consider that the proposals would not adversely affect the significance or setting of these designated heritage assets, and there is no substantive evidence before me to the contrary.
15. I have noted the WiFi and wayfinding features of the proposed kiosk. I also recognise the economic and social importance of advanced, high quality and reliable telecommunications, and the support in the Framework for the expansion of electronic communications networks. However, since there are already multiple units with apparently similar functionality along Briggate, this limits the weight I afford to the public benefits arising from this development, which in practical terms would only be modest. Furthermore, whilst the appellant has already removed several outdated installations across the city, with more apparently to follow, this is not mitigation for the harm that would be caused in this location.

Conclusion

16. I have found that the proposals would be harmful to visual amenity and the character and appearance of the area. In relation to Appeal A, there would also be conflict with the development plan as a whole. This harm outweighs any public benefits that would arise. Accordingly, both Appeal A and Appeal B should be dismissed.

A Caines

INSPECTOR