



Appeal Decision

Site visit made on 3 July 2023 by T Bennett BA(Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/N4720/Z/23/3321244

Millwright, 22 Regent Street, Sheepscar, Leeds, LS2 7QA

- 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 Mr Benjamin Porte on behalf of Clear Channel UK against the decision of Leeds City Council.
 - The application Ref 23/00466/ADV, dated 24 January 2023, was refused by notice dated 27 April 2023.
 - The advertisement proposed is one internally illuminated digital advertising sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of one internally illuminated digital advertising sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on residential and visual amenity.

Reasons for the Recommendation

4. The appeal site is located on the flank gable wall of a four-storey part residential and part commercial building on Regent Street, a busy and wide main road on the outskirts of Leeds City Centre.
5. The area surrounding the appeal site is predominantly commercial in nature, with a petrol forecourt and car garage immediately north of the site and with retail units fronting Regent Street. As a result, advertisements are an established and common feature within the street scene with many of the commercial premises prominently displaying advertisements and signage, some of which are illuminated.
6. Whilst the proposed internally illuminated digital advertisement, measuring approximately 6m wide by 3m high, would be highly visible on approach from the north, set against the above commercial context, the advertisement would

not appear visually intrusive or as an incongruous addition in this particular location, assimilating within the existing commercial context.

7. In coming to the above view, I note from the evidence submitted that the appeal site has been a longstanding site for advertising, previously accommodating a smaller 48-sheet internally illuminated poster hoarding. Notwithstanding disagreement between the parties as to whether the previous advertisement had deemed consent, its presence nevertheless demonstrates that an advertisement in this location has been an established feature, both within the street scene and on the host building where the advertisement would not appear excessive in scale when set against the large flank elevation.
8. The position of the proposed advertisement on the gable wall of the host property would conceal a narrow vertical window on the first floor which serves a communal corridor that provides access to residential flats. In line with this window, on the second and third floors, there are two additional windows of a matching style. However, there is also a larger horizontal window offset from the window on the third floor, which results in an inconsistent rhythm and non-uniform fenestration arrangement on this gable end. This is in contrast to the windows to the left of the front elevation where vertical brick detailing surrounds and provides a visual connection between the windows. This detailing is not present on the gable end. Consequently, the loss of the window would not have an adverse impact on the buildings design.
9. The obscuring of the window on the first floor would prevent natural light from entering the corridor and remove any outlook. However, this corridor is a non-habitable area and serves as a transient space with limited time likely to be spent in this area. Additionally, the advertisement would not impact on any habitable room of residents' private living accommodation. Moreover, I find that it is not uncommon for corridors of this nature to rely solely on artificial lighting. Thus, whilst not ideal, the loss of this window would not detrimentally harm the private amenity space of the residents to such an extent that it would warrant refusal of the proposed advertisement.
10. For the reasons above, I find the proposed advertisement would not result in unacceptable harm to the residential and visual amenity of the area.
11. The Council has drawn my attention to Saved Policies BD8 and GP5 of the Leeds Unitary Development Plan (2006), Policy P10 of the Leeds Core Strategy (as amended 2019) and the Leeds City Council Advertising Design Guide Supplementary Planning Document (2006). Whilst I have taken these into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. The Framework and the Planning Practice Guidance (the PPG) reiterate this approach. Consequently, these have not in themselves, been decisive in making my recommendation.

Other Matters

12. The Council has referred to a previous advertisement appeal that was dismissed at the appeal site. I have reviewed the Inspector's decision and the siting of the advertisement in that appeal is different to the one before me. In that case the advertisement was proposed to project beyond the front elevation of the host building, which the Inspector found would substantially detract from the character and appearance of the building and surrounding area.

13. I acknowledge the Council's suggestion that the building should be accessed internally to assess the impact of the proposed advertisement on the window and corridor of the first-floor flats. However, after carefully reviewing the submitted photographs of the first-floor corridor provided by the Council and considering that the use of the corridor is not in dispute between the parties, I have not deemed it necessary to enter the building to further assess the proposal.

Conditions

14. In addition to the five standard conditions set out in the Regulations, I have considered several additional conditions put forward by the appellant and the Council's Highway Authority and reviewed these in accordance with the tests in the Framework, and where necessary have amended the wording for clarity and conciseness.
15. In the interests of public safety and visual amenity I consider conditions relating to the method with which the displays change, frequency and control of moving images, a mechanism to freeze the image in the event of a malfunction and levels of luminance to be necessary.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal, subject to the conditions attached, should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR

Schedule of additional conditions

1. Static images to be displayed only. The advertising display shall contain no moving images, flashing images, animation, audio, video or full motion images.
2. The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping or merging of images.
3. In the event of a malfunction, the advertisement screen shall have a default mechanism to freeze the image to avoid any flashing error messages or pixilation.
4. The screen shall not exceed a luminance of 2500 cd/sqm between sunrise and sunset and shall be no greater than 300cd/sqm at night (between sunset and sunrise).
5. The advertisement shall be switched off between the hours of 00.00 and 05.00.
6. The advertisement display shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light levels and adjust brightness accordingly.

End of additional conditions