
Appeal Decision

Site visit made on 30 August 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/N4720/Z/23/3325896

Advertising Right 0247 01 01 Adjacent 515 Bradford Road, Stanningley, Leeds BD3 7BA

- 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 Thomas Johnston (JCDecauxUK) against the decision of Leeds City Council.
 - The application Ref 23/02830/ADV, dated 9 May 2023, was refused by notice dated 4 July 2023.
 - The advertisement proposed is Removal of Existing Advertisements followed by the installation of x2 internally illuminated digital displays in a 'V' formation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advertisements on public safety and the visual amenity of the area.

Reasons

3. The site currently supports two large format trough lit landscape advertisements facing north-east and north-west closely adjacent to Bradford Road which would be replaced.
4. The site is close to the junction of Bradford Road with Gain Lane which runs to the north-west, as well as the smaller residential roads which are to the north at Sunnybank Lane and to the west at Grange Avenue.
5. The area has a mixed commercial and residential character and appearance with various commercial properties within close proximity as well as the Thornbury Works site opposite. The character and appearance of the area is however, overall, dominated by the busy Bradford Road, a principal route between Bradford and Leeds.
6. Properties to the north and west are set well away from the site. Those closest are set on the southern side of the Bradford Road and on Grange Avenue, to the south west.

Public safety

7. I am required to consider the safety of persons using the adjacent highway and consider whether display of the advertisements is likely to hinder the ready

interpretation of any traffic sign. Planning Practice Guidance¹ identifies types of advertisement that may cause danger to road users. Amongst others, it identifies those which, because of their size or siting would reduce the clarity or effectiveness of a traffic sign or signal.

8. I appreciate such advertisements can be successfully sited adjacent to roads. However, here, traffic lights control the traffic flow from Gain Lane onto Bradford Road, at which point there is also a pedestrian crossing.
9. Having considered the evidence and visited the site, as a result of the positioning of the western advertisement display, which would be angled towards Gain Lane, there is likely to be conflict in motorist's fields of vision between the advertisement and the easternmost signal head at this junction.
10. The extent to which the advertisement would be viewed within the context of the signal head would vary depending on the height of the driver within the vehicle, its positioning on Gain Lane and its distance from the junction. However, at some points the signal head is likely to be viewed against or within very close proximity to the body of the advertisement.
11. Whilst it would be possible to control the display via conditions including those which would require static images only, require instant changes between adverts while appropriately controlling the frequency of change and control levels of illumination, as well as restrict hours of use, the advertisement display would be digitally lit and be likely to incorporate various colours.
12. The nature of the illumination and range of colours likely to be included on any number of advertisements over its lifetime have the potential to be similar to those on the traffic signal which could confuse passing drivers' interpretation of the signal. Were that to happen with just one driver using this busy road, who was concentrating on the easternmost signal head such that it hindered their interpretation, whilst a pedestrian was using the crossing, there would likely be particularly harmful consequences.
13. The introduction of the digital advertisement in terms of its appearance would be a substantial change from the existing westernmost advertisement.
14. I therefore conclude on this issue that the proposed western advertisement display, by reason of its siting and illumination, would significantly reduce the clarity and therefore the effectiveness of the easternmost traffic signal head on the approach to Bradford Road from Gain Lane. This would compromise the safety of persons using the highway.

Visual amenity

15. The westernmost advertisement is likely to be most prominent from domestic views from windows on the side elevation of a residential property at No. 537 Bradford Road. However, the advertisement would not directly face these windows which already look onto existing signage including an existing digital sign located further along the main road to the east as well as the busy road.
16. Properties on Grange Avenue are set further back and the westernmost advertisement is not likely to be especially prominent from these dwellings.

¹ Paragraph: 068 Reference ID: 18b-068-20140306

17. The proposals would not appear out of place within this area which incorporates a good deal of commercial premises and associated signage, a nearby existing LED advert and which is dominated by the busy road. There would therefore be no unacceptable adverse impact on visual amenity as a result of the proposals.

Other Matters

18. I note the environmental benefits in terms of more limited levels of maintenance and lack of waste material associated with the provision of the digital advertisements. This does not however outweigh the harm identified.
19. The Council has cited policies P10 and T2 of the Leeds Core Strategy (2019) and saved policies GP5, BD8 and BD12 of the Leeds Unitary Development Plan Review (2006) along with the Leeds Advertising Design Guide Supplementary Planning Document (2006), Transport SPD and Street Design Guide SPD. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies to the extent that they have been put before me into account, they have not been a decisive consideration in my determination of this appeal.

Conclusion

20. The westernmost advertisement display would unacceptably compromise the safety of persons using the adjacent highway. Accordingly, I conclude that the appeal should be dismissed.

T Burnham

INSPECTOR