



Appeal Decision

Site visit made on 19 September 2023

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/N4720/Z/23/3328238

Gable at Butler Way, Stanningley, Pudsey, LS28 6EA

- 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 Clear Channel against the decision of Leeds City Council.
 - The application Ref 23/03040/ADV, dated 12 May 2023, was refused by notice dated 13 July 2023.
 - The advertisement proposed is a single illuminated 48-sheet digital poster display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the interests of amenity.

Reasons

3. The appeal site is the gable end of a commercial building which runs along Town Street, in an area of mixed character and appearance. Around the site there are a number of commercial, light industrial and retail premises, as well as residential properties. Immediately opposite the site, new dwellings are under construction. There are streetlights along Town Street as well as advertisements and signage associated with surrounding businesses of varying types and sizes. There are paper billboards along Town Street, but none of them are of the type proposed here.
4. Given the established character and appearance of the area and the existing advertisements, I find that the proposed illuminated digital poster display, which would change every ten seconds, would appear markedly and jarringly different to its surroundings. Although I accept it is the purpose of advertisements to be seen, I find that the size, prominence and illumination of the proposal, particularly at night when its presence would be heightened, on a gable end visible from a wide area would be wholly inconsistent with that area, causing harm to the interests of amenity.
5. I also note that there are residential dwellings under construction very close to the appeal site which would be affected by the illuminated poster display. I do not consider that illumination of the poster display would not be much greater than existing streetlights. Streetlights, particularly LED ones as found here are very different to an illuminated poster display. They are smaller, directed downwards at the street and can be controlled and screened to avoid unwanted light entering residential properties. The proposal however is a large, vertical poster display, with little control over light direction, and as the appellant notes, the illumination would heighten its presence during hours of darkness.

6. Although controls are suggested to limit operating hours, levels of illumination, and rate and style of change, I consider that the location of the proposal and its relationship to those new residential properties would harm their amenity by spilling light towards them.
7. I have considered carefully the conditions suggested by the appellant as to whether or not they could overcome the harm I have found to amenity. Whilst I note that they would accept night-time illumination at half the level set out as being acceptable in the ILP Guidance, restricted hours of operation and control over the rate-of-change, I do not consider that these controls would overcome the harm I have found above to the interests of amenity.
8. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account Policy P10 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019), saved policies GP5, BD8 and BD12 of the Leeds Unitary Development Plan Volume 1, and guidance in the Leeds Advertising Design Guide Supplementary Planning Document 2006. I find that the harm to the interests of amenity that I have found mean that the proposal would conflict with their aims. These conclusions are supported by the National Planning Policy Framework which notes that the quality and character of places can be adversely affected by advertisements.

Conclusion

9. For the reasons given above I conclude that the proposal would harm the interests of amenity and the appeal should therefore be dismissed.

S Dean

INSPECTOR