



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/23/3326232

Land West of Ingram Distributor Road, New Wortley, Leeds, LS12 1AS

- 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 75 Media against the decision of Leeds City Council.
 - The application Ref 23/02547/ADV, dated 25 April 2023, was refused by notice dated 26 May 2023.
 - The advertisement proposed is the installation of a single digital billboard.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed digital billboard on the interests of amenity and public safety.

Reasons

Amenity

3. The site for the proposed digital billboard is set against a railway embankment, adjacent to a number of light industrial units in a broadly commercial area, in which the buildings and their associated signage exhibit a wide variety of styles, character and appearance. Nevertheless, facing the site from the A643, from where the billboard is primarily intended to be viewed, the scene is largely functional, with only road furniture and signage set against the reasonably attractive railway viaduct. Despite signage associated with surrounding businesses, and other apparently informal advertisements nearby, the immediate surrounding to the appeal site, and the view in which it would sit is largely devoid of advertisements.
4. The appellant has suggested that the proposal would reduce visual clutter by allowing consolidation of other advertisements around the area. However, there is nothing before me, such as a commitment by any other parties to use the proposal to convincingly suggest that this would be the case. Indeed, many of the other advertisements I saw on my site visit either directly related to the businesses they were attached to, or were short-term, event-related banners and signage. I also note the suggestion of the appellant that the digital billboard would drive the local economy. However, with limited evidence as to how this would happen, I give it little weight.

5. Whilst I accept that the point of advertisements is to be visible, I consider that the size and location of the digital billboard, relative to its surroundings, including other signage and advertisements, the embankment and the wider view would make it appear unduly large, prominent and incongruous within the established street-scene, adding clutter to its otherwise relatively uncluttered immediate surroundings. I find this would therefore be harmful to the interests of the amenity of the area.
6. 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) (the Core Strategy), saved policies GP5, BD8 and BD9 of the Leeds Unitary Development Plan Volume 1 (the UDP), and guidance in the Leeds Advertising Design Guide Supplementary Planning Document 2006 (the SPD). 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 national policy in the National Planning Policy Framework (the Framework) which notes that the quality and character of places can suffer when advertisements are poorly placed, as I find this proposal to be.

Public safety

7. During my site visit, I was able to see the site location whilst driving towards the Armley Gyratory, from the A643 with traffic merging to my left from the A58 Gelderd Road and carrying out that same merge onto the A643. Whilst I accept that the proposal would not obscure road signage or signals, to my mind and based on my observations, given its location, it would directly compete with the road signage for the attention of drivers. Taking together the changing number of lanes, the road speed at this location, the complexity and congestion of the road, the slip roads, and the Armley Gyratory ahead, I do find that the advertisement would be an unwelcome and unhelpful distraction in its proposed location, regardless of the rate of change or level of illumination. In this, I accept that at present, the road layout is undergoing works, but do not consider that my conclusions would alter or be different upon the completion of those works.
8. Although the proposal is on a site within a commercial or industrial area, where the Planning Practice Guidance (the PPG) sets out that there are less likely to be road safety problems, it is clearly at a point where drivers need to take more care and where local conditions present potential traffic hazards. This is consistent with the comments of The Council's Transport Development Services and my own observations on site.
9. I accept that the advertisements displayed may not necessarily be frequently changing, but it is not clear from the evidence what the change interval would be, only that it could be as short as ten-seconds, or indefinitely long.
10. I note that the levels of illumination proposed are within the guidelines set by the relevant industry body. However, for the reasons set out above, I do not consider that the location of the proposal would be suitable, and find that it would harm the interests of public safety.

11. I note the suggestion that both the level of illumination and the rate of change could be controlled by condition, but do not consider that such conditions could overcome my fundamental concerns over the overall effect of an illuminated digital billboard in this location where drivers need to take more care.
12. Insofar as they are relevant to consideration of the effect of the proposal on the interests of public safety, I have taken into account saved policies GP5 and BD8 of the UDP, as well as guidance in the SPD. I have also had regard to the content of the Framework and the PPG, and the objections of the Council's Transport Development Services.
13. Taking all of that together, I find that the proposal would harm the interests of public safety.

Conclusion

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

S Dean

INSPECTOR