



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/23/3328153

Land South of Stanningley Road, Armley, Leeds, LS12 3DG

- 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 ARM Capital against the decision of Leeds City Council.
 - The application Ref 23/02736/ADV, dated 3 May 2023, was refused by notice dated 29 June 2023.
 - The advertisement proposed is the installation of a single digital billboard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the Council's reason for refusal refers to the effect of the proposal on nearby listed structures, the statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to this advertisement consent appeal. The Regulations confine assessment of issues to amenity and public safety. Notwithstanding that, features of historic interest are capable of being relevant to the assessment of effects on the interests of amenity.

Main Issue

3. Having regard to the above and the decision of the Council, the main issue is therefore the effect of the proposal on the interests of amenity.

Reasons

4. The proposed digital billboard would be located within the forecourt of a relatively modern, or at least, relatively recently refurbished commercial building in multiple uses in a mixed area of the city. Opposite is the entrance to Armley Park, featuring attractive, listed stone gates, with the park behind. In the wider area there are other commercial buildings and shops, with their associated signage as well as housing nearby. There are streetlights along Stanningley Road, totem signs within the forecourt and signage on the building itself.
5. Although within the forecourt and immediately against modern cladding material, the proposal would be viewed in the context of a more historic backdrop, with older brick buildings along the road, the stone gates and boundary walls of the park and the park itself. There are no digital billboards, nor are any of the most prominent signs in the area internally illuminated or of a scale similar to that proposed here. As such, I consider that the proposed digital billboard would appear markedly different to, and incongruous with the

existing, established character of the area and established type and size of advertisements around it. Whilst I note that there are paper billboards further along Stanningley Road, beyond Eyres Terrace, they are not internally illuminated.

6. In their application, the appellant suggests that this single digital billboard would help to declutter the area, and that it is currently heavily advertised with paper boards and banners. Whilst there are other advertisements and banners around the site, I do not consider that it is heavily or unduly affected by them. Moreover, there is nothing in the proposal before me which actually links the proposal to such benefits, nor is there any practical way for me to ensure, through for example an additional condition, that this billboard take the place of any other advertisements in the area. As such, I give that argument little weight.
7. Beyond its size, I do not agree that the proposal would mimic the appearance of paper advertisements. Despite the ability to use conditions to control levels of illumination, digital billboards have a plainly different, brighter and more obvious appearance than paper advertisements, particularly during the hours of darkness. Whilst I accept that the point of advertisements is to be visible, this is to be balanced against their effect on the interests of amenity.
8. For the reasons set out above, I find that the proposed digital billboard would harm the interests of amenity by virtue of its size, prominence, relationship to the wider street scene and its internal illumination. I do not consider that the proposal can be made acceptable through the use of conditions, or that the limits on illumination and other controls can overcome the harm I have found.
9. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account Policies P10 and P11 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019), saved policies GP5 and BD8 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 identified mean that the proposal would conflict with their aims. This conclusion is supported by the National Planning Policy Framework which notes that advertisements can affect the quality and character of places.

Other Matters

10. Although there was a third-party objection to the proposal on the basis of effects on public safety, this was not borne out by the response of Transport and Development Services, who raise no objections on highway, and therefore public safety grounds. As such, it is not an issue in this appeal.

Conclusion

11. For the reasons given above I conclude that the proposal would harm the interests of amenity. As such the appeal should be dismissed.

S Dean

INSPECTOR