



Appeal Decision

Site visit made on 27 September 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Appeal Ref: APP/W2465/Z/23/3322645

Land at 446 Gipsy Lane, Leicester LE4 9DB

- 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 Alight Media against the decision of Leicester City Council. The application Ref 20230205, dated 2 February 2023, was refused by notice dated 28 April 2023.
 - The advertisement proposed is a new pair of illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site comprises part of land currently occupied by a large industrial unit that wraps around the corner of Gipsy Lane and Victoria Road East. It is part of a mixed-use area which includes the industrial use, residential and retail. On the opposite side of the road is a community and sports club and a golf course. Beyond the industrial unit there is a heavily vegetated border along both sides of the busy Victoria Road East. This border provides a green backdrop that marks the transition between the industrial/urban buildings on the west side of the road and the green more open land to the east. Consequently, this green border area makes a significant contribution to the character and appearance of the area.
4. The appeal site is located at the edge of the industrial unit, immediately next to the green border. Although there are larger scale commercial and industrial buildings to the south and west of the appeal site, the appeal proposal would introduce an illuminated free-standing sign with a height and width that would appear at odds with the adjacent green border, and which would harmfully disrupt the transition between the more urban areas and the open green areas.
5. An advertisement of the height and width proposed would be out of scale with this green backdrop and would appear particularly conspicuous and incongruous in its surroundings.
6. In accordance with the relevant Planning Practice Guidance there is a need to assess local characteristics of neighbourhoods, including commercial and industrial areas and main highways. The appeal site is on a main highway and

there are larger commercial and industrial buildings with associated signage together with some traffic signs along the highway. However, such signs are to be expected in such a location and do not appear either conspicuous or incongruous.

7. Although the appeal site is not located within a conservation area, or an area of special advertisement control and no listed buildings would be affected by the proposal, these factors do not justify harmful development at the appeal site. Further, although the appellant has suggested several conditions in the interests of amenity and public safety, these would not ameliorate the harm I have identified.
8. I therefore conclude that the proposed advertisement would have a harmful effect on the visual amenity of the area. I have taken into account CS Policy 3 of Leicester City Local Development Framework Core Strategy adopted in July 2014 which seeks to ensure proposed development responds positively to its surroundings and would be appropriate to the local setting. Given I have concluded that the proposal would have a harmful effect on the visual amenity of the area, the proposal conflicts with this policy. The proposal would also conflict with the National Planning Policy Framework which highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

9. I accept that electronic digital displays represent the latest form of outdoor advertising technology and that when located in the right place advertisements can help to stimulate the local economy, add interest to the street scene, bring colour to drab areas, make areas safer at night through better illumination and screen eyesores. In addition, they can provide a much-needed source of revenue from the site rental and business rates, which are paid to the local authorities by the media owners. However, any benefits associated with these matters are clearly outweighed by the harm the proposal would have on visual amenity. Moreover, although I accept that the proposal would not harm public safety, this is a neutral factor in the determination of the appeal.
10. I have taken account of the other examples of advertisements that have been brought to my attention, some following a successful appeal. However, these other examples are in an entirely different location and although there may be similarities with this proposal, they do not have the same relationship with their surroundings and so their impact on visual amenity is materially different. Therefore, these other examples do not justify harmful development on the appeal site.

Conclusion

11. For the reasons given above, I conclude that the proposed advertisement would be detrimental to amenity. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR