



Appeal Decision

Site visit made on 3 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2024

Appeal Ref: APP/N4720/Z/23/3331618

190 Bradford Road, Leeds WF3 1SB

- 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 Wildstone Group Limited against the decision of Leeds City Council.
 - The application Ref 23/03935/ADV, dated 23 June 2023, was refused by notice dated 18 September 2023.
 - The advertisement proposed is installation of a digital advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode for the appeal site in the banner heading above has been taken from the Council's decision notice as the one given on the planning application form is incorrect.
3. In accordance with the Regulations¹, and the Planning Practice Guidance, I have considered solely matters of amenity and public safety.

Main Issue

4. The Council does not object to the effects of the proposal on public safety and there is nothing to lead me to a different conclusion in that respect based on the evidence before me. Therefore, the main issue is the effect of the proposal on the amenity of the area.

Reasons

5. The appeal site relates to 190 Bradford Road, a two storey end terraced dwelling constructed in red brick with a slate roof. The gable end of the property faces north-west towards Bradford Road (the A650) and The Crescent. Bradford Road is a busy main road which runs between the M1 and the M62. The surrounding area is predominantly residential though there are some commercial premises some distance to the south-east.
6. Whilst the gable end of the appeal property is not visible from the south-east, it is highly prominent when travelling along Bradford Road from the north-west, as well as from The Crescent and Redwood Avenue. The proposed sign would not obscure any architectural features of the building, but it would occupy a

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

- substantial part of the gable end and would appear out of scale and proportion on this modest end terraced property.
7. There are very few other signs within the surrounding area. Those at the nearby convenience store relate to the premises to which they are attached and are of modest scale when compared to the appeal proposal.
 8. There has clearly been a large advertisement attached to the gable end of the appeal property. The appellant states that it has existed since 2008 and that it benefits from deemed consent, but by the time of my site visit it had been removed. The appellant considers that the proposal would constitute a like for like replacement of the previous paper and paste display. However, the proposed digital display would be likely to appear brighter and sharper and therefore more eye catching than the previous display, which appears to have been externally illuminated by trough lighting. The maximum brightness of the proposal would not exceed 100cd/sqm at night, it would be within the guidelines set by the Institute of Lighting Professionals Technical Note 5 and would be controlled by light sensors to vary the brightness of the screen according to the conditions. Nevertheless, the position and size of the sign, and the digital display with images changing every ten seconds, would result in a discordant and intrusive feature in this particular location.
 9. The proposal would not have any significant effects in terms of street clutter. I also acknowledge that the site is not within a conservation area and there are no listed buildings nearby. Nevertheless, due to its siting at an elevated position, the sign would be unduly prominent, resulting in a discordant feature in the street scene and harm to the residential character of the area.
 10. I have considered the appellant's suggested conditions, including controls on the hours of operation of the sign, maximum luminance and frequency of changes between adverts, but these would not sufficiently mitigate the harm to amenity. The suggested curfew which would result in the advertisement being switched off between 11pm and 6am and a 2% brightness level means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
 11. The appeal site is located on the opposite side of The Crescent to a semi-detached pair of dwellings at 192 and 194 Bradford Road. These contain several windows to their front elevations which face broadly in the direction of the appeal site. The neighbours' windows would be likely to have only oblique views towards the proposed display and at a reasonable distance away, which I consider would not be significantly harmful to the living conditions of these neighbours in terms of outlook or light pollution. However, this consideration does not outweigh the identified harm to visual amenity.
 12. For the above reasons, I conclude that the advertisement would have a significantly harmful effect on the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material, although they have not been decisive. The proposal would conflict with Policy P10 of the Leeds Core Strategy 2019, and saved Policies GP5, BD6 and BD8 of the Leeds Unitary Development Plan Review (2006), which seek to ensure, amongst other things, that proposals are well designed and sensitively located. It would also conflict with guidance contained within the Leeds Advertisement Design Guide Supplementary Planning Document (2006), which seeks similar aims, and the

National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

13. The appellant has referred to examples of other similar advertisements and appeal decisions in Leeds and elsewhere. On the basis of the details that have been provided I cannot be certain that they offer a direct comparison to the appeal proposal or its site-specific context. In any case, I have considered the appeal on its own merits.
14. I have had regard to the appellant's statement of case which outlines the benefits of the proposal, including a reduction in the number of vehicle trips, CO₂ emissions and waste; lower energy requirements; the opportunities to advertise charitable campaigns, public art and emergency messages; reduced advertising clutter; and an increase in business rates. However, I must limit my consideration of the appeal to matters of amenity and public safety. In any case, these factors would not outweigh the significant harm that I have identified to amenity.
15. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR