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# Appeal Decision

Site visit made on 16 January 2024

**by A Hunter LLB (Hons) PG Dip MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2024**

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**Appeal Ref: APP/N4720/H/23/3332121**

**291 Roundhay Road, Leeds LS8 4HS**

- 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 Mr Paul Hardy of V2 LED Ltd against the decision of Leeds City Council.
  - The application Ref 23/04680/ADV, dated 28 July 2023, was refused by notice dated 8 September 2023.
  - The advertisement proposed is a LED display of 1.92 x 2.8 metres.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in such decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. The parties have had the opportunity to make any representations in this regard within their final comments. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.
3. The Council's reason for refusal refers to the proposal conflicting with its development plan. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan into account insofar as it is relevant, and the National Planning Policy Framework (the Framework), they have not been decisive considerations in my determination of this appeal.

## Main Issue

4. The Council has not raised any concerns in regard to amenity and I have no reason to take a different view. Thus, the main issue in this appeal is the effect of the advertisement on public safety.

## Reasons

5. No. 291 Roundhay Road occupies a prominent corner location, with its front elevation facing onto the A58 and its side elevation onto Harehills Lane. The A58, runs along both Roundhay Road and Easterly Road on either side of the junction immediately adjoining the appeal site. The junction has traffic lights on

all four roads leading towards it together with pedestrian crossing points on all sides. I saw on my site inspection that the junction was busy and used by vehicles, cyclists and pedestrians, with a bus stop very near to it, on the A58. Due to the proposed first floor positioning of the LED display on the side elevation of the appeal property, it would be most likely to be visible to drivers on the approach into Leeds centre on the A58.

6. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention and proposed advertisements at points where drivers need to take more care are more likely to affect public safety. This includes at junctions and pedestrian crossing points. PPG also specifically states signs that are at corners, bends or at a junction, sited so they could confuse and distract drivers, as well as illuminated signs including those utilising light emitting diode technology can affect public safety.
7. On the immediate approach to the junction on the A58 heading towards Leeds centre, the road bends to the left and slopes downwards. In addition, there are also junctions with traffic entering on the right-hand side (from Uplands Road and Roundhay Road), including a further set of traffic lights and a pedestrian crossing point. As a result, there are three lanes of traffic on this approach to the junction nearest to the appeal site, with an increased likelihood of vehicles changing lanes, particularly those that have just entered the A58. Furthermore, at this same point, as drivers would be turning the bend in the road, they would directly face the proposed advertisement, which at that point would also be in the same context of approaching traffic lights and road signs.
8. Although the proposal would not interfere with visibility along the road, obstruct existing road signs or traffic lights, and the junction and roads leading to it are well lit, its raised height and size would at certain points, make it noticeable amongst road signs and traffic controls. Its appearance, which would change at regular intervals, would form a significant distraction to drivers when faced with many competing demands on the approach to the junction, which would be even more hazardous if the colour of the digital display was similar to any nearby traffic signals or signs. Viewing the display, even momentarily would be a particularly dangerous distraction, diverting attention from driving, and could cause a driver to miss a traffic signal or be unaware of vehicles changing lanes around them, thereby creating conditions prejudicial to highway safety.
9. I note the concerns raised about how the proposal could affect drivers on Harehills Lane travelling towards Chapel Allerton. However, due to the alignment of the appeal site, the display would mostly be hidden or seen at a very oblique angle by drivers travelling in that direction, and would not be likely to readily distract them. For similar reasons the sign would not be particularly distracting travelling in the opposite direction along Harehills Lane, and not visible when approaching the junction travelling away from Leeds centre. Consequently, I did not regard the proposal to constitute a significant distraction to drivers travelling in other directions.
10. The appellant's information regarding accident data at this junction shows 10 incidents at parts of the junctions the Council considered were most likely to be adversely affected by the proposal. I also acknowledge that the Council's data regarding personal injury incidents at the whole junction and over a longer period of time showed a greater number of incidents, including five classified as

serious. Given that 16,590 vehicles are said to pass through the junction daily, I do accept that both records of incidents are very low by comparison to movements through the junction. Nevertheless, these are not justification for introducing a new distraction into this area to the detriment of public safety.

11. The immediate area contains a variety of commercial uses and signage, some of which is illuminated, they are mainly on the sides of properties, although there are some pavement-based advertising stands. However, their positions, and forms of advertising are distinctly different to the proposed digital display in this case, and they do not lead me to conclude differently regarding the effect of the proposal upon public safety.
12. I have carefully considered the suggested conditions by both parties, including limiting what can be displayed, the intervals, the brightness of the sign, that it would be turned off between 11pm–7am, and controlled remotely. However, these conditions would not address the harmful effects upon driver safety from the location of the proposed sign.
13. For the reasons given, I find that the proposal would be harmful to public safety.
14. Whilst not decisive, the proposal would also conflict with Policy P10 of the Leeds Core Strategy (Selective Review 2019) and Policies GP5 and T2 of the Leeds Unitary Development Plan (Review 2006), adopted July 2006, insofar as they expect proposals to create a safe and secure environment, maximise highway safety, resolve planning considerations relating to health and life and not create safety problems.
15. Dismissing the appeal would also accord with paragraph 115 of the Framework which states development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, I find the proposal to conflict with the objective of Leeds City Council's Advertising Design Guide Supplementary Planning Document, adopted November 2006, which seeks to protect public safety and the proximity of new advertisements near to road junctions and traffic lights.

### **Other Matters**

16. I note that the appeal site is not within a conservation area or near any listed buildings and there are no objections to the proposal in terms of its effect upon amenity, however, this does not outweigh the harm identified above.
17. The appellant has drawn my attention to an appeal decision at 217-219 Manchester Road, Oldham,<sup>1</sup> for a much larger illuminated advertising hoarding near to a busy road junction. The approach road to that site also had multiple lanes of traffic and traffic lights. However, on the information provided, it was not clear that there were the same number of junctions, pedestrian crossing points and demands on drivers on an approach to it, or whether it had a bend in the road like the appeal proposal. Furthermore, that appeal also related to a replacement of an existing sign, unlike this appeal scheme. Whilst there are some similarities with that proposal and this appeal scheme, it is not clear that the road junctions are comparable, there are also some differences, to the

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<sup>1</sup> Appeal Ref: APP/W4223/Z/20/3255883

extent that I do not find it to be directly comparable. I therefore attach limited weight to it in my decision.

**Conclusion**

18. For the reasons given above, I conclude that the display of the advertisement would be detrimental to public safety and the appeal is dismissed.

*A Hunter*

INSPECTOR