



Appeal Decision

Site visit made on 21 February 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/N4720/Z/23/3333446

30 Berkeley Avenue, Harehills, Leeds LS8 3RH

- 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 Walayat Hussain against the decision of Leeds City Council.
 - The application Ref 23/02874/ADV, dated 27 March 2023 was refused by notice dated 27 September 2023.
 - The advertisement proposed is a retrospective application for a non-illuminated sign to side of building. 3m x 3m signage non-illuminated Blue background with white and yellow text.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The advertisement which is the subject of this appeal is in place. Consequently, I have dealt with the appeal as involving an application for retrospective consent.
3. In accordance with the Regulations, and the Planning Practice Guidance (the PPG), I have considered solely matters of amenity and public safety. While I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my determination of this appeal.

Main Issues

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 the main issue is therefore the effect of the proposed advertisement on the amenity of the building and the area.

Reasons

5. The PPG states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest. The advertisement is positioned on the side of a part of a red brick terraced property at the corner of Berkeley Avenue and Berkeley Road. Although there are commercial businesses in the locality the area is characterised by parallel streets of red brick residential terraces. Like the appeal property, the end terrace properties between Harehills Lane and Berkeley Street all have their gables fronting Berkeley Road. This consistent regular pattern and appearance of the terraces contribute to the local distinctiveness of the area.

6. The side of the properties along Berkeley Road are also highly visible within the wider area due to the open nature of the supermarket car park, which allows views across it from Harehills Lane. There are some associated advertisements and signage at the Supermarket. However, other than the property at the corner of Berkeley Road and Harehills Lane which is a retail unit, the residential area is largely void of advertisements.
7. The proposed sign would not obscure any architectural features of the building. However, the sign is in stark contrast to consistent predominantly unaltered blank brick gable and those of neighbouring terraces. The advertisement also occupies a large part of the side of the appeal property and has significant exposure on this blank wall. It is also highly visible in the wider street scene when approaching this side the appeal building along Berkeley Road and across from the supermarket car park. Due to the residential character of the buildings and limited advertisements on Berkeley Road the advertisement appears incongruous on the host building and within the streetscene. Drawing these threads together, the proposed advertisement results in harm to the amenity of the building and the area.
8. I accept that signs may have been displayed on the building for a number of years. However, there is nothing before me to demonstrate that the present signs are lawful and I am not aware that a Certificate of Lawful Development has been applied for.
9. My attention has also been drawn to the purported benefits of the proposed advertisement targeting shoppers leaving the supermarket. I also accept that there were no concerns raised by the Council in relation to the effect on residents of neighbouring properties and I see no reason to disagree. However, these matters have limited bearing on my decision given that the Regulations require that I exercise my powers only with regard to amenity and public safety. In any event, none of these individually or cumulatively are significant enough to outweigh the harm that I have identified.
10. I have taken into account Policy P10 of the Leeds Core Strategy 2014 and saved Policies GP5 and BD8 of the Unitary Development Plan Review 2006 which together require good design that is appropriate to its location, scale and function and is well designed and sensitively located within the street scene and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies. It follows that there would also be conflict with the National Planning Policy Framework in chapter 12, which requires advises the quality and character of places can suffer when advertisements are poorly sited and designed. Furthermore there would be conflict with the guidance in the Leeds Advertising Design Guide 2006, which sets out predominantly residential area are generally unsuitable locations for advertisements.

Conclusion

11. Therefore, the appeal should be dismissed.

K Williams

INSPECTOR