



Appeal Decision

Site visit made on 9 July 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2024

Appeal Ref: APP/N4720/Z/24/3343605

203 Dewsbury Road, Leeds LS11 5EH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Leeds City Council.
 - The application Ref is 24/01328/ADV.
 - The advertisement proposed is replacement of 1 x existing 48 sheet poster board with a digital advertising screen.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the replacement of 1 x existing 48 sheet poster board with a digital advertising screen at 203 Dewsbury Road, Leeds LS11 5EH in accordance with the terms of the application, Ref 24/01328/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Regulations and the following additional conditions: -
 - 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 2) In the hours of darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per square metre (cd/m²) in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide 'Brightness of Illuminated Advertisements including Digital Displays' (PLG 05) (or its equivalent in a replacement guide) in cd/m².
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull) and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the PLG 05 (or its equivalent in a replacement guide) in cd/m².
 - 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The

display will include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

- 6) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The main issue is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

5. The digital advertising screen would be located on the south facing gable end of 203 Dewsbury Road which faces onto the junction with Burton Road. There are traffic lights and a controlled pedestrian crossing on Dewsbury Road close to the appeal site and this junction. There are other side roads taken off Dewsbury Road close to the site such as Crossland Terrace, Linden Grove and Linden Road. The surrounding context includes the parade of commercial premises that the appeal site sits within, a nearby bus stop, Hunslet Moor Primary School, a Tesco Express supermarket and a Jet petrol station. Consequently, this section of Dewsbury Road is likely to be busy with pedestrians and vehicular traffic throughout the day and into the evening and this is consistent with my own observations on site.
6. The Advertising Design Guide Leeds Local Development Framework Supplementary Planning Document (Adopted November 2006) (the SPD) states that for advertisements '*site location should not generally be in close proximity to any road junction or formal crossing point*'.
7. The digital display would by its very nature be designed to attract the attention of passers-by whether they be drivers or pedestrians. It would be most visible to those approaching the traffic lights from the south along Dewsbury Road. Even so, the advertisement would not incorporate moving images and the static advertisements would change sequence with a rapid fade such that any change between advertisements would be almost instantaneous. The digital advertising screen would also be experienced within a long, straight approach for drivers moving towards the sign from the south and this would allow for drivers to assimilate the display in good time without undue distraction from the traffic signs, signals and activity on the highway.
8. Given its position offset and to the side of the controlled crossing point on Dewsbury Road, the proposal would not interfere with pedestrian sightlines and

pedestrians are required to wait before crossing giving them time to assess any oncoming traffic. Pedestrians approaching Burton Road from the south would also have had ample time to take in the advertisement before crossing the road and would be unlikely to be unduly distracted by it when assessing the junction before crossing.

9. The evidence before me suggests that in recent years there have been highway improvement works to this section of Dewsbury Road including the installation of off-carriageway shared use pedestrian and cycleways, incorporating red coloured surfacing across the junctions with side roads giving priority to footway users, the introduction of one-way movements along Linden Grove and Linden Road and the introduction of a 20mph speed limit.
10. As a result of these measures, I agree with the appellant's that the cognitive demand on road users in the vicinity of the appeal site is low. Furthermore, the type of advertisement proposed is not wholly unusual in nature in the context of Dewsbury Road. Indeed, there is also a similar recently approved digital advertisement on the gable end of 215 Dewsbury Road at the junction of Dewsbury Road and Tunstall Road. Consequently, the proposal would not come as a surprise in this context.
11. Moreover, the appellant has confirmed that they would be agreeable to conditions requiring inbuilt mechanisms to control the operation and brightness of the digital images to prevent glare in low light conditions. This would further minimise the potential for the advertisement to be unduly distracting and would further ensure that the proposal would not be harmful to public safety.
12. In addition, the detailed accident data provided by the appellant indicates that the number of accidents along Dewsbury Road between Cross Linden Terrace and Burton Road has significantly reduced since the introduction of the highway improvement works along this stretch of road. The appellant's evidence suggests that volumetrically, the accident history along Dewsbury Road involving accidents which involved vehicles moving in a direction of travel towards the proposed sign location equates to 0.8 accidents per year on average and that none of the accidents recorded included driver distraction as a contributory factor. No detailed counter evidence is before me in this regard.
13. Overall, I am more persuaded that the highway conditions in the immediate vicinity of the appeal site would not be particularly susceptible to the change from the existing poster board advert to the proposed digital advertising screen with the suggested restrictions on its operation. Therefore, the proposal would not result in unacceptable increased risk for highway users both in terms of vehicles and pedestrians.
14. The Council has referred to an example of a dismissed appeal relating to an LED advertising display. However, from the evidence before me, I understand that particular site was located close to a 4-arm roundabout within an area with a higher speed limit (30 mph) and so is not comparable. With regards to the reference to a study in Sweden in 2013 by the Swedish Transport Administration, I am not aware of the precise considerations or detailed conclusions of that study. In any case, I have considered the proposal based on its own merits and for the reasons set out I find that harm would not arise in this particular instance even having regard to the general guidance in the SPD.

15. To conclude, the proposed advertisement would have an acceptable effect on public safety.
16. Whilst not decisive, for the reasons set out, the proposal would not conflict with Policy GP5 within the Leeds Unitary Development Plan Review (2006) which seeks to ensure that development proposals maximise highway safety. I have not been provided with a copy of the General Policy of the Leeds Local Plan Core Strategy (2019) which is also referred to in the Council's decision. In any case, this does not alter my finding that the proposal would not be harmful to public safety.

Other Matters

17. Third-party concerns have been raised in respect of visual amenity. This is not a concern raised by the Council. In any case, from my own observations, the proposal would replace an advertisement of a similar scale and position and would not appear out of context amongst the other commercial aspects of the street scene to this section of Dewsbury Road. There is no objective evidence before me to suggest that the proposal would be harmful to wellbeing as a result of the messages displayed on the advertisement or that it would have a tangible effect on the environment as a result of energy consumption.

Conditions

18. The Council suggested in its appeal questionnaire that no conditions other than the 5 standard conditions should be imposed in the event of the appeal succeeding. However, the appellant has suggested 6 additional conditions and these are also similar to those suggested in the Transport Development Services team's consultation response. These conditions require that the advertisement would have no moving images, animation, video or full motion images, would control illumination levels during hours of darkness and the daytime, advert duration and transition, a mechanism to turn off the display in the event of a malfunction and require that no images are displayed that resemble road signs or traffic signals. These conditions are reasonable and necessary in the interests of public safety and so I have attached them to my recommendation.

Conclusion and Recommendation

19. For the reasons given above the appeal should be allowed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR