



Appeal Decision

Site visit made on 1 May 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th May 2025

Appeal Ref: APP/X4725/H/25/3359772

139 Leeds Road, Wakefield WF1 2PS

- 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 failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by ARM Capital against Wakefield Metropolitan District Council.
 - The application Ref is 24/01304/ADV.
 - The advertisement proposed is described as the 'replacement of existing advertisement billboards'.
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Decision

1. The appeal is dismissed and express consent for an internally illuminated signage scheme is refused.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted a Statement of Case and a Case Officer Report which sets out its concerns, as well as putative reasons for refusal. As this includes the matters of dispute with the appellant, it forms the basis of the main issues in this case.
3. The description of development in the banner heading above is taken from the planning application form. The Council validated the application with a different description, and the main parties disagree whether the proposal can be considered as a replacement. I deal with this matter later in my decision. As I find that the Council's description is more accurate, I have used this description in my decision paragraph.
4. The application form that was submitted to the Council states that the appellant owns the site. The appeal form however states that the land/site owner's consent has not been obtained. This is notwithstanding that the proposal would be attached to a dwelling. The appellant subsequently reiterated that it has full control over the appeal site. On this basis, I am satisfied that the appeal can proceed.
5. The Council has also made reference to what it considers are discrepancies in how high the proposal would be sited above the ground level. As the 'proposed elevations' shows that it would be 2.5 metres (m) and this figure is repeated elsewhere in the submissions, I have considered the appeal on this basis.

Main Issues

6. The main issues are the effect of the proposal on (i) the amenity of the area; and (ii) public safety by way of highway considerations.

Reasons

Amenity

7. The proposal would be located in an elevated position on the brick gable end wall of a dwelling which lies close to the Newton Bar roundabout, separated by only a small area of fenced open land and the footway. The dwelling is fairly traditional and pleasing in its form. It also contains modern windows at ground floor level in the gable end wall. The dwelling forms part of a short terrace that faces towards Leeds Road and in this direction, the character of the area is predominantly residential. This is also the case off the Bar Lane exit from the roundabout.
8. There are some commercial uses close to the roundabout. There are also commercial uses along Leeds Road to the south of the roundabout and along the A650 dual carriageway to the north. Associated signage includes totem, fascia and free-standing signs, and there is also highways signage in the vicinity of the roundabout.
9. It is not in dispute there was formerly paper billboard signage on this elevation of the dwelling. However, there are now few signs of its former presence. The wall has now essentially returned to its former state and thus its contribution to the appreciation of the building and the area. The size and visual impact of the former signage therefore has a limited bearing, and the proposal is to be considered within its current context.
10. The size and scale of the proposal would not be insignificant as the digital display would measure 6 m by 3 m. When this is considered with the elevated position, it would form an incongruous feature when seen against the backdrop of this end elevation of the dwelling. The means of illumination and the digital nature of the proposed display, even with it displaying a series of static images, would be further at odds with its location on the dwelling.
11. The proposal would also be overly prominent because of its elevated location close to the roundabout and footways. Its contrast with the plainer appearance of the end elevation would also draw the eye in the streetscene. Hence, there is some degree of sensitivity in the location that the proposal would be in conflict with, despite the lack of protective planning designations.
12. The existing signage in the area does not have the same level of visual impact as none comprise a digital advertisement hoarding that is erected on the side of a dwelling in a prominent position at a roundabout. Unlike the proposal, they are also closely related to the commercial uses which they are advertising. The highways signage is also in a markedly different form and relates to the use of the roundabout. The presence of this existing signage does not therefore justify the proposal.
13. Where the Planning Practice Guidance: Advertisements¹ (PPG) refers to the permitting of a large poster-hoarding in an industrial or commercial area of a major

¹ Paragraph: 079 Reference ID: 18b-079-20140306

city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site, this more appropriately applies to the location of the digital display that I have been referred to that lies some distance from the site along the A61 and on an edge of city centre location. In contrast, the area in the vicinity of the site is more influenced by residential development and this is also shown by that the proposal would be erected on the side of a residential property.

14. I conclude that the proposal would have an unacceptable effect on the amenity of the area. As such, it would not comply with paragraph 141 of the National Planning Policy Framework (Framework) where it states that the quality and character of places can suffer when advertisements are poorly sited and designed. In this regard, Regulation 3 (2a) of the Regulations sets out that factors relevant to amenity include the general characteristics of the locality.
15. I have taken into account extant development plan policies, namely Policies LP56 and LP61 of the Council's Wakefield District Local Plan (2024) and which seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would harm amenity, it would conflict with these policies.

Public Safety

16. The Newton Bar roundabout is a major road junction where the A61 and A650 meet, along with Bar Lane. The A61 and A650 provide routes into the centre of Wakefield, to Leeds and the M1. Bar Lane provides access to Pinderfields Hospital, and towards Doncaster and Rothwell. The roundabout has been the subject of recent improvements in relation to its layout and alignment, including the creation of dedicated lanes through the junction.
17. The PPG² sets out that while all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Junctions and roundabouts are cited as situations where local conditions present traffic hazards.
18. From the A61 to the south, there is a traffic signal controlled lane which crosses the A650 and then provides access to Leeds Road (A61 north) and Bar Lane. The relationship with the Newton Bar roundabout would be as such that the proposal would face towards traffic in this signal controlled lane. While clearly it would not obstruct the highway, its scale and orientation to traffic utilising this lane would in all likelihood act as a distraction, in particular with its digital illumination and changes of static images. This would have the potential to cause accidents, in particular as drivers need to be fully aware of the changing traffic signals in order to maintain highway safety. Such a risk is heightened because of the busy nature of the roundabout.
19. There would be unlikely to be the same level of adverse effect when the roundabout is approached from other directions because the views of the proposal with the traffic signals would be less direct and in some instances parallel. Nevertheless, this does not address the concerns that I have identified and so there would be an undue distraction to highway users and interference with the flow of traffic entering and leaving the roundabout. How therefore full highways

² Paragraph: 067 Reference ID: 18b-067-20140306

related guidance for signage has been applied is not evident as the proposal would be to the detriment of highway safety.

20. In terms of the potential for mitigation, that the proposal would react to light levels to reduce glare would not satisfactorily address the harm because its relationship to the reconfigured roundabout would still act as a distraction. There is also no substantive evidence over how the changeover of the static images could be co-ordinated with the traffic signals, as they would seem to be separate technologies. There is also no reason to believe that the Highway Authority has not provided a competent assessment of the proposal, especially as its planning application consultation response refers to the improvement works at the roundabout.
21. I conclude that the proposal would have an unacceptable effect on public safety by way of highway considerations. I have taken into account Policy LP27 of the Local Plan and paragraph 116 of the Framework which concern highway safety and so are material in this case. As I have concluded that the proposal would harm public safety, it would be in conflict.

Other Matters

22. A number of matters have been raised pertaining to the environmental, social and economic benefits of the proposal. However, advertisements should be subject to control only in the interests of amenity and public safety. There is no indication in the Regulations, the Framework or the PPG that any other factors can be taken into account either for, or indeed against, the advertisement as proposed.
23. While I am aware of concerns raised over communication and that the application was not determined, my considerations concern amenity and public safety and so such concerns do not alter my decision.

Conclusion

24. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed and express consent refused.

Darren Hendley

INSPECTOR