



Appeal Decision

Site visit made on 29 May 2025

by **Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/N4720/Z/25/3362427

Diamond Vapes, 37 The Headrow, Leeds LS1 6PU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Sheraz Ahmed against the decision of Leeds City Council.
 - The application Ref is 24/06792/ADV.
 - The advertisement proposed is The development is retrospective as works have already been undertaken over 3 years ago. This includes 1 no. hanging sign that is 1.2m height x 0.6m width and main fascia to identify the commercial premises "DIAMOND VAPES" including two illustrations total 1.2m height x 3.6m width. The sign has a white background with internally illuminated blue LED lettering.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The banner heading description differs from the Council's more succinct description included in their decision notice as *'Retrospective application for internally illuminated fascia sign and illuminated projecting sign.'*
3. The fascia sign and the hanging sign were in place at the time of my visit.
4. The Council describes the host building as a non-designated heritage asset due to its local interest. I asked the Council for evidence to clarify this matter. The Council responded although I have had no formal evidence to accurately conclude that this building is officially registered by the Council as a non-designated heritage asset.
5. The council raises no issues with regards to public safety. I have no reason to come to an alternative view.

Main Issues

6. The main issues of the proposal are the effect upon the setting of the Grade II former Odeon Cinema, and on the amenity of the local area.

Reasons

7. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and public safety. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.

8. The appeal site is a parade of shops at street level with two floors above with recessed windows of a definite vertical emphasis. A balustrade and pediment are located at roof level with pairs of urns. The muted tones of the external finish contrast with the pronounced architectural details incorporated into the building. It is situated along the long and busy commercial street of The Headrow, an arterial route through Leeds city centre. The host building is characterful as a classically and well-proportioned purpose-built building on the southern side of The Headrow.
9. A fascia sign is positioned the full width of the shop unit and the hanging sign is located at first floor level, both internally illuminated. Typical of any retail context, there are a plethora of signs located above the full width of the shop fronts within the row. This retail unit is one of the smaller shop units within the parade. Its fascia sign is particularly deep and is out of proportion with the modest proportions of the unit it is attached to. Other shops along the parade are in the majority wider retail units and I could see that the proportions of their fascia sign appear more balanced than the bulky top-heavy fascia sign before me. Although the adjacent unit 'crash records' is of a similar size and has a comparable width and depth to its fascia sign, its planning history is not before me to comment upon, nor are any other fascia shop adverts. Also, this adjacent signage is one dimensional unlike the appeal site with its oversized projecting lettering and internal illumination which make it more visually intrusive in a context of a small retail unit.
10. The hanging sign reading VAPE, projects a reasonable distance from the wall and is internally illuminated with neon style lettering. I could see that the attached retail unit Stitches also has a hanging sign at first floor level. This sign is materially different as it does not project as far out as the hanging sign before me at appeal, and is of a more traditional composition that, in my view, better reflects the character of the host building. Other projecting signage I could see along the parade is limited and was attached to the fascia sign or not experienced within the immediate context of the appeal site. None adequately compares to the design of this hanging sign. Overall, the adverts in situ at the appeal site are not well assimilated into the amenity of the local area.
11. The former Odeon Cinema is Grade II listed and situated on the northern side of the road opposite the appeal site. Its significance is derived from its architectural composition built as a cinema between 1930 and 1932. It is red brick finished with Portland stone dressings and slate roof, designed in a classical style over four floors. It is now in retail use.
12. The appeal site is located within very close quarters to the listed building within the setting of this designated Grade II listed asset. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the asset and its surroundings evolve.
13. The parade as a whole is viewed within the setting of the listed building and its differing advertisements. The adverts at the appeal site appear stark and garish when compared to others. The hanging sign is particularly strident in its appearance due to the projection and choice of illumination. These adverts within the setting of the listed building negatively detracts from its special interest and therefore its special interest would not be preserved.

14. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. With reference to Paragraphs 212 and 213 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the setting of the designated heritage asset, I find the category of harm in this instance to be 'less than substantial'. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.

Public benefits

16. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
17. The harm I have identified as arising from the proposal needs to be balanced against the benefits that the scheme would bring. The appellant comments on the revenue generation their business contributes to the local economy, and that the unit was previously vacant. It provides employment opportunities. They comment that removing the shopfront threatens the viability of the business. The appeal before me relates to signage. Whilst this attracts customers, that is not to say that an alternative form of fascia advert would negatively impact upon their business. Also, the shopfront does not form part of the proposal before me as it is an appeal against a refusal to grant express consent.
18. Bringing all matters together, in accordance with the Regulations I have taken into account the provisions of the development plan in so far as they are material. The proposal would harm the amenity of the local area and the setting of the Grade II listed former Odeon Cinema. Conflict would arise with the well-designed advertisements aims of policies BD6 and BD8 of the Leeds Core Strategy and in so far as amenity is concerned, policies P10, P11 and GP5 of the Leeds Unitary Development Plan, and National Planning Policy Framework that aims to protect the historic environment and promotes well-designed and sited adverts.

Conclusion

19. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR