
Appeal Decision

Site visit made on 28 June 2017

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 July 2017

Appeal Ref: APP/Z4310/Z/17/3173823

Land at Edge Lane Drive (adjacent 95 St Oswalds Street), 1115 Edge Lane Drive, Liverpool, L13 5SB.

- 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 Ben Porte, Insite Poster Properties, against the decision of Liverpool City Council.
 - The application Ref 17A/0164, dated 12 January 2017, was refused by notice dated 20 February 2017.
 - The advertisement proposed is the erection of a digital LED 48-sheet advertising display measuring 6m in width and 3m in height.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on the amenity of the area and on the occupants of a nearby residential property, at number 28 Macqueen Street.

Reasons

3. The proposed advertisement would be displayed on a prominent site frontage alongside a busy main road, which leads to and from the city centre and the motorway. The area is mixed in character, containing commercial and residential properties, including a neighbouring dwelling at number 28 Macqueen Street (number 28). I also noted at my site visit that a major new commercial development is under construction on land opposite the appeal site.
4. The appeal site frontage currently contains an existing 96 sheet externally illuminated advertisement hoarding and consent has been granted by the Council to replace that with a smaller 48 sheet advertising display, which is identical to the appeal proposal. The appeal proposal is to erect an additional 48 sheet display at the eastern end of the site frontage, abutting the rear garden boundary with number 28. An existing brick wall would be clad in timber to match the 48 sheet display already approved by the Council.
5. Regulation 3 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 requires that applications for advertisements must be considered with regard to amenity and public safety. I note that no

objections have been raised by the Council, or others, in relation to matters of safety. I have no reason to take a different view.

6. The Council considers that the appeal proposal would have an unacceptably enclosing effect on the pavement and that it would result in clutter and visual intrusion. Furthermore, the Council contends that the timber cladding would emphasise the advertisement display and that the display would have a physically overbearing impact on the rear garden of number 28. Policy HD25 of the Council's adopted Unitary Development Plan (UDP) states (amongst other things) that consent will not be granted for advertisements that would dominate or adversely affect the amenity of an area.
7. Although the appeal proposal would be higher (above the pavement level) when compared to the existing 96 sheet display, the total length of advertisements for both 48 sheet displays would be no greater than the existing. Within the context of the existing commercial uses in the vicinity of the site, together with the relatively wide pavement, I consider that there would be no adverse effect on the visual amenity of the streetscene or any harmful overbearing impact on the Edge Lane frontage as a result of the proposal. In addition, I am not persuaded that the visual appearance and integrity of the existing brick wall is of any great significance. In my opinion, the proposed timber cladding would complement that already approved by the Council and it would have little effect on the visual impact of the advertisement display itself.
8. However, the proposed advertisement would be positioned adjacent to the rear garden area of number 28. Although the rear of the display would be viewed at an angle by the occupants of number 28, I consider that its height, positioning and overall mass would be an unneighbourly form of development that would have an overbearing and adverse effect on the outlook from the rear garden, thus making it a less enjoyable place in which to be. In that regard, the proposal would conflict with Policy HD26 of the UDP.

Conclusion

9. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR