

Appeal Decision

Site visits made on 5 & 8 July 2017

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/Z4310/Z/17/3168467
56-62 Castle Street, Liverpool L2 7LQ

- 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 Joseph Derbyshire (on behalf of Astra Signs Limited) against the decision of Liverpool City Council.
 - The application Ref:16A/2777, dated 15 October 2016, was refused by notice dated 17 January 2017.
 - The advertisement proposed is described as the "replacement like for like external fascia sign with new company name. Fascia sign to be halo illuminated and be fitted in the same place as the previous sign using similar fixings into the stone work. New hanging sign for above doorway, double sided 400mm diameter, facelit both sides, with gold leaf applied on returns".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I undertook 2 site visits. The first visit was during daytime hours and the second was in the evening.
 3. The appeal signs are in situ. The fascia sign replaces a previous sign, which was subject to a five-year advertisement consent that had expired on 24 August 2014. The Council states that this sign was liable to enforcement action.
 4. The appellant states that the site address is 'City Centre' in section 3 of the application form. Whilst the appeal building is located within Liverpool City Centre, it is not the postal site address. On that basis I have omitted those descriptive terms from the banner heading above.
 5. The appellant refers to the appeal building as Nos 56-62 Castle Street on the application form. However, he also refers to the appeal building as No 62 Castle Street on the appeal form. Although the address on the banner heading above is generally accurate and I see no reason to change it, it is clear to me that the appeal proposal is part of the building that is No 62. This is only relevant as Nos 60-62 Castle Street, a former bank, together form a Grade II Listed Building.
 6. As well as having listed building status the appeal premises is located within both the Castle Street Conservation Area (CA) and the Liverpool Maritime
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World Heritage Site (WHS). The reason for refusal refers visual amenity but it also refers to the proposed signage as detracting from the character and appearance of the Grade II host building and its siting in the wider context. It goes on to say it neither preserves nor enhances the character of the CA or the WHS. However, the statutory duty under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA90) requiring decision makers to have special regard to preserving the listed building or its setting or any features of special architectural or historic interest only applies to the consideration of whether to grant planning permission. The fact the appeal building is listed is a relevant material consideration.

7. Section 72(1) of the PLBCAA90 requires special attention is to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies in the advertisement appeal in so far it relates to the consideration of amenity.
8. With regard to the WHS, a site of Outstanding Universal Value, there is no statutory protection. *The National Planning Policy Framework* (the Framework) defines it as a designated heritage asset and accordingly great weight should be given to its conservation. This approach also applies in the advertisement appeal in so far it relates to the consideration of amenity.
9. I am required by the Regulations¹ to determine the appeal in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors. Paragraph 67 of the Framework also advises that advertisements should only be subject to control in the interests of amenity and public safety.
10. The Council has not objected to the proposal in terms of public safety and I have no reason to disagree. The issue before me relates to visual amenity. Regulation 3(2) states that the factors relevant to amenity include the general characteristics of the locality including the presence of any features of historic architectural, cultural or similar interest and further advice is provided in the Framework at paragraph 67 and the *Planning Practice Guidance* (PPG) to which I have regard.

Main Issue

11. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

12. The appellant refers to the installation of 2 advertisements on the appeal building. This includes a fascia sign and a hanging sign. I will deal with each in turn.
13. The fascia sign is some 5.25m in width and some 0.34m in height. It is positioned some 3m from ground level and is located between the top of two ground floor windows and below a cornice detail under the first floor windows on Castle Street. Given the relatively small gap between the top of the windows and the first floor cornice detail when combined with the fact it cuts across the keystone details above the ground floor window surrounds, I consider that the fascia sign appears cramped. Although the appellant

¹ The Town and Country Planning (Control of Advertisements)(England) Regulations 1997

considers the sign to be discrete, to my mind it is a prominent and incongruous feature on the building. I also note that it is the same size, colour and material as the previous fascia sign in the same position. However, the appeal sign is materially different than it in that it is halo illuminated. This illumination, although low level emphasises the incongruity of the fascia sign.

14. I note that the fascia sign is similar in size and materials to a fascia sign on the adjacent building but the appeal sign is positioned in a very prominent position on a building at a junction adjacent to an open square and as such appears very intrusive.
15. The second advertisement is a pocket watch hanging sign. It is some 4m from ground level and it is some 0.55m high by 0.4m wide by 0.15 deep. It is positioned at an entrance to the premises. Although it doesn't project forward of the building elevation, the sign hangs below the square head of the entrance into the void below. This breaks the tall classical lines of the entrance and as such it also appears intrusive in the tall entrance opening. Moreover, it is illuminated. I note that it is not overly bright or glary. However, although the sign is small, the combination of the position within the entrance void and the face lit illumination which emphasises the bright colours of the sign is very visible at night. Thus, this sign is a dominant and prominent feature on the building and in the street scene at night which would be detrimental to visual amenity.
16. I note that as part of the new advertisements, the appellant removed a large RAL 7021 sign that was installed over the decorative masonry work above the doorway where the hanging sign is now fixed. This had a large vinyl print to create a fascia sign. Its removal has allowed the original over door bank sign carved into the granite head to be exposed. The appellant also states that they used the existing fixing positions so as to not further damage the carving. Additionally, the appellant states that the fascia sign also used existing fixing points so as not to damage the building. Both signs could be removed easily without damage to the building. I note that the preservation of a listed building is a very important consideration as stated above in paragraph 8; this does not make the fascia sign or the hanging sign acceptable in terms of the visual amenity of the building and locality.
17. I note that there are other illuminated signs in the area. I am not aware of the background of these signs. However, I saw that some were integral to the design of the shopfront rather than added to a building and on that basis could be distinguished. In any case I am required to determine each appeal on its own merits and I have done so in this case.
18. I am also aware that the colour, finish and design of both signs are an important part of the current occupiers' branding and identity. I also note that the appellant was trying to emulate traditional looking signage in respect of the hanging sign. However, these points do not outweigh the harm I have identified to visual amenity.
19. Therefore, I conclude that the proposed advertisements would detrimentally affect the character and appearance of the building and the street scene and as such it would harm the visual amenity of the locality. Also it would not protect the Outstanding Universal value of the WHS, nor preserve or enhance the character or appearance of the CA. Moreover it would not preserve the special architectural or historic interest of this listed building.

20. I have taken into account relevant Saved Policies GEN3 (Heritage and Design), HD4 (Alterations to Listed Buildings), HD11 (New development in Conservation Areas), HD13 (Shopfronts on Listed Buildings), HD18 (General Design), HD25 (Advertisements), HD28 (Light Spillage) of the *City of Liverpool Unitary Development Plan*, all of which seek to protect visual amenity, amongst other things, and on that specific basis are material to this case². These policies accord with the Framework and, as such, I accord them considerable weight. I have also taken into account Supplementary Planning Guidance Note 9: Shopfronts as this document provides guidance on signage and also seeks to protect visual amenity. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies and also with the Framework and the PPG.

21. For the reasons given above, the appeal is dismissed.

Mrs A L Fairclough

² Other save policies referred to including Policies HD1 (Listed Buildings) HD5 (Setting of Listed Buildings), HD8 (Preservation and Enhancement of Conservation Areas and S16 (Shopfront Design) are planning/listed building specific and are not relevant to advertisement consent.
