
Appeal Decision

Site visit made on 7 January 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/Z4310/Z/19/3236954

74-80 Derby Road Petrol Filling Station, Derby Road, Liverpool L20 8TD

- 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 Patel against the decision of Liverpool City Council.
 - The application Ref 19A/0596, dated 26 February 2019, was refused by notice dated 17 July 2019.
 - The advertisement proposed is described as a 'freestanding digital display screen to replace existing advertisement board, which is being removed and the location is changing'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue and Reasons

3. The main issue is the effect of the proposed digital advertisement on the amenity of the surrounding area.
4. The Planning Practice Guidance (PPG) suggests that large poster-hoardings might be acceptable in an industrial or commercial area of a major city and, therefore, I accept that the area surrounding the appeal site has a high capacity to accommodate such large scale advertisements. However, this guidance should not be read as a *fait accompli* for the approval of all such advertisements. Instead each application must be considered on its own individual merits with consideration given to its design, scale and siting in the context of its immediate surroundings.
5. The appeal relates to a Shell filling station on the eastern side of Derby Road, a main north-south arterial route into the City of Liverpool. The surrounding area is characterised by a mix of commercial and industrial buildings with land to the west dominated by heavy industry and dockyards.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. The proposed digital LED advertisement would measure approximately 3.8 metres in height and 6.7 metres in width and be positioned above the roof of the single storey flat roofed section of the filling station building. While advertisements and other signage is common throughout the area, from what I could see, they are generally well placed and mainly comprise of displays attached to existing building elevations or boundary fences and walls. While there are some freestanding displays, I did not see any advertisements rising to a height in excess of the buildings to which they were attached or adjacent to.
7. Due to its size and elevated position, the proposed advertisement would appear disproportionate in scale to its immediate context, standing significantly taller than the filling station. This would result in a poorly placed and, therefore, visually obtrusive feature that would dominate the adjacent filling station to the detriment of this part of the street scene. I accept that digital LED displays are becoming more commonplace in urban environments, yet in this case the LED method of illumination would accentuate the appearance of the advertisement and therefore exacerbate its harmful effects.
8. I acknowledge that the proposed advertisement is to replace a large non-illuminated display board that has been displaced due to highway improvement works. However, this does not provide a justification for allowing the appeal as the proposed advertisement significantly differs in its positioning and overall appearance. Furthermore, I do not accept that the advertisement's prominence would be diluted by the adjacent freestanding petrol filling station sign or canopy signage as it is of a larger scale.
9. In support of the proposal, my attention has been drawn to a recent appeal that was allowed² at 357 Edge Lane, Liverpool. This was for a 48 sheet internally illuminated digital display and associated logo box. While I do not have the full details of that appeal before me, I can see that, in that case, the advertisement was to be displayed on the side elevation of an end of terrace property. Accordingly, this is not directly comparable to the circumstances of this appeal. In this case, my primary concern is not the LED method of illumination but rather its scale and positioning in relation to the filling station. I have therefore reached my own conclusions on the appeal proposal on the basis of the evidence before me.
10. My attention has also been drawn to two freestanding 48 sheet digital LED units 200 metres to the south of the appeal site. However, the approval for these advertisements involved the removal of six 48 sheet displays and their replacement with two 48 sheet digital units. This resulted in an overall reduction in signage. I accept that these two units are highly prominent features in the street scene. However, this signage is viewed against the backdrop of a large industrial complex and therefore they provide some welcome visual relief from an otherwise harsh industrial scene. In this context, the signage does not dominate the adjacent industrial premises and therefore its effect on the street scene is not comparable to the current appeal proposal.
11. The appellant also refers me to other examples of large scale advertisements which have been allowed along Derby Road and the surrounding area. I was able to see many of these during my site visit, yet the site specific

² Appeal Ref. APP/Z4310/Z/19/3222363

characteristics and particular positioning of each advertisement is different. As such, they do not offer a direct comparison to the appeal proposal and do not, therefore, lead me away from my conclusion.

12. Consequently, I have found that the advertisement would be poorly placed and therefore appear as an overly dominant feature that would be harmful to the amenity of the surrounding area. Hence, the proposal would be contrary to saved policy HD25 of the Liverpool Unitary Development Plan 2002 which seeks to safeguard the amenity of the area.

Conclusion

13. For the reasons I have set out, and having regard to all other matters raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR