
Appeal Decision

Site visit made on 18 May 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2020

Appeal Ref: APP/W4325/Z/20/3247041
383 Woodchurch Road, Prenton CH42 8PF

- 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 R Khwaz against the decision of Wirral Metropolitan Borough Council.
 - The application Ref ADV/19/01639, dated 24 October 2019, was refused by notice dated 20 December 2019.
 - The advertisement proposed is described as "690 x 5120 x 105 mm LED-backlit animated fascia signage (active during opening hours); 200mm diameter LED-illuminated revolving barber pole".
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development set out in the banner heading above is taken from the application form. The appeal form and the Council's decision notice make it clear that advertisement consent is sought 'for 1 no. LED-backlit part animated part static fascia signage, 1 no. non-illuminated fascia sign; and 1 no. LED-illuminated revolving barber pole'. The signs have already been installed and I have considered the appeal on that basis.
4. The Council issued a split decision on the application Ref ADV/19/01639, granting consent for the non-illuminated fascia signs and revolving barber pole, and refusing consent for the illuminated fascia sign. Accordingly, I have determined the appeal on the basis that the non-illuminated fascia signs and revolving barber pole are not subject to this appeal.

Main Issue

5. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

6. The appeal site relates to a barber shop occupying a ground floor unit within a parade of shops and services on Woodchurch Road. The immediate area has a busy commercial character and the range of fascia designs in the locality contribute to the vibrant appearance of the area.
7. At the time of my site visit the appeal unit was closed and the fascia advertisement was not illuminated. However, based on the evidence before me, it is clear the advertisement is a dynamic LED screen and makes use of many vivid colours. Whilst it is of comparable scale to other fascia's in the area, the use of animated lettering of bright and alternating colours makes it a harsh and garish feature which draws the eye more than static advertisement alternatives. Accordingly, it dominates the shopfront and reads as a visually intrusive addition in the wider street scene.
8. Powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. Development plan policies, whilst they may be a material consideration, are not in themselves determinative. The appellant has referred to Policy SH8 of the Wirral Unitary Development Plan (2000) although I have not been provided with a copy and I note that the policy does not form part of the reason for refusal. I nevertheless acknowledge that the advertisement is intended to contribute to the vitality and evolving identity of the commercial area. Whilst there are no similar digital fascia displays within close proximity to the appeal site, I observed that this stretch of Woodchurch Road nevertheless has a vibrant feel. Thus, I am not persuaded that the vitality of the area could not be reflected in an advertisement which is more sensitive and in keeping with the established commercial character of this area than the LED advertisement.
9. Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. For the reasons outlined above, the LED fascia advertisement results in unacceptable harm to the visual amenity of the area.

Conclusion and Recommendation

10. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR

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