The Planning Inspectorate

Appeal Decision

Site visit made on 20 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 30 July 2020

Appeal Ref: APP/Z4310/Z/3253074
203 Longmoor Lane, Liverpool L9 0ED

- 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 Clear Channel UK against the decision of Liverpool City Council.
- The application Ref 20A/0371, dated 23 January 2020, was refused by notice dated 9 April 2020.
- The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.

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 Matter

3. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant and given the emerging policy in the Liverpool Local Plan 2013-2033 limited weight. However, powers under the Regulations[1] to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach.

Main Issue

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

Reasons

5. The area in which the appeal site is located comprises a mix of commercial and residential uses. The appeal relates to the upper part of the gabled side elevation of an end of terrace property on Longmoor Lane. The property is in commercial use on the ground floor. Adjacent to the terrace and the appeal site, is a pedestrian walkway to Ancient Meadows, a residential area. Residential properties fronting Ancient Meadows lie on the opposite side of the

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

walkway with their gardens abutting Longmoor Lane. Buildings are generally of a modest scale and height, and the pattern of development is tightly knit.

6. In that context, the existing 48 sheet poster hoarding, which occupies an elevated position on the building, appears as a prominent feature in the street scene. Whilst there are other ground floor advertisements in the vicinity, these are generally much smaller in scale, and include shop or business signs above doors or windows connected with the current use of the building.

7. The proposal would replace the hoarding, which is not illuminated, with a digital poster of a similar size and shape. As a result of its illumination, images on the hoarding would be brighter and sharper than those on the existing structure. The intermittent changing of the illuminated display would significantly attract attention, further accentuating its visual prominence and harmful effect on the amenity of the area, irrespective of its location outside of a Conservation Area or close to heritage assets. Accordingly, it would be even more dominant in the street scene than the existing hoarding.

8. I note the appellant's contention that the brightness of the advertisement would be within best practice guidance and that they would agree to a condition limiting the brightness further. However, as set out above, the board's digital illumination would result in a visually incongruous feature that would stand out from other more modest advertisements in the area and dominate the street scene.

9. Although the advertisement panel would not directly face a habitable room window, it would be adjacent to and be visible from the rear gardens of Ancient Meadows. Even if a condition was attached to a consent limiting the night-time brightness of the advertisement, the elevated illuminated images would cause limited harm to the visual amenity of the occupiers.

10. It is also argued the current hoarding has been in place for more than 10 years and therefore benefits from deemed consent under Class 13, Part 1, Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). Be that as it may, the proposal must be assessed on its own merits and its digital LED illumination would be noticeably different to the existing non-illuminated board. Similarly, the lack of enforcement action taken over the existing board does not negate any harmful impacts of the proposal given an assessment under Regulation 17 is before me.

11. In conclusion the advertisement would appear as a prominent and incongruous feature that would be harmful to the visual amenity of the surrounding area. Therefore, the proposal would not accord with Polices HD18 and HD25 of the saved Liverpool Unitary Development Plan (2002) and Policy UD9 of the emerging Liverpool Local Plan which together seek to ensure advertisements would not adversely affect the amenity of an area and the scale is related well to its locality. I have taken into account the relevant policies, including the weight that should be afforded to the emerging policy, which are material to this case.

Other Matters

12. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in

the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.

13. The appellant argues benefits to the proposal in environmental terms, such as the reduction in printed posters, travel to advertisement sites and improvement of the street scene. Similarly, economic benefits are suggested, such as an increase in business rates, however I have no evidence of this before me. In any event, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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