



Appeal Decision

Site visit made on 21 July 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/Z4310/Z/20/3249246

Land at St Mary's Road, Liverpool L19 2JJ

- 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 (Clear Channel UK) against the decision of Liverpool City Council.
 - The application Ref 20A/0255, dated 22 January 2020, was refused by notice dated 5 March 2020.
 - The advertisement proposed is described as: 'installation of freestanding internally illuminated digital display'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the appeal site and its surroundings.

Reasons

3. The advertisement is proposed on an area of grass verge adjacent to the A561, a busy dual carriageway which is part of an Environmental Improvement Corridor (EIC), designated in Policy OE15 of the City of Liverpool Unitary Development Plan (the UDP). The policy's supporting text identifies that, as EICs carry very large volumes of traffic, their immediate environment has a major effect on visitors and their image of Liverpool. Through Policy OE15, which is a material consideration, the Council thus seeks to enhance the appearance of EICs by requiring the retention of existing landscape features and refusing consent for advertisements which by reason of their size and situation detract from the visual amenity of the corridor.
4. The A561 in the vicinity of the site has a wide central reservation which is landscaped with grass and trees. Those soft landscaped features and the wide grass verges alongside the dual carriageway, including the appeal site and the tree-lined verges beyond it, are attractive features which break up, soften and enhance the appearance of this major transport corridor.
5. The Planning Practice Guidance (PPG) refers to the possibility that large poster hoardings may be permitted in an industrial or commercial area of a major city where they would not adversely affect the visual amenity of the neighbourhood

of the site¹. There are commercial properties adjacent to the site and alongside the A561 just beyond. However, there are also housing areas in the immediate vicinity, including a long residential terrace on St Mary's Road beyond the site which would be visible as a backdrop to the advertisement. Those residential frontages alongside and visible from the A561, and the tree lined verges and central reservations of the dual carriageway, combine to give the site's immediate surroundings a suburban rather than predominantly commercial or industrial character, despite the presence of nearby commercial buildings.

6. The signage to those premises adjacent to the site is relatively limited in size, set back from the road frontage behind the wide verge and, in the main, does not appear to be illuminated. Signage to other premises beyond the site is also relatively limited in size and in the extent of its illumination, and is similarly set back behind the wide grass verge, thus limiting its prominence within the wider street scene.
7. Whilst its supporting structure would be relatively lightweight in appearance, the advertisement display itself would be notably larger than other signs in the vicinity and fully illuminated except for its frame. Due to its location within the grass verge it would also have a significantly greater prominence than those existing signs on nearby buildings and their forecourts which are set back from the road frontage behind their adjacent verges. It would therefore appear as a disproportionate and unduly dominant feature in the street scene and would be highly incongruous in the suburban context of its immediate surroundings, even having regard to existing nearby signage and other smaller or intermittent light sources such as street lighting or vehicle lights.
8. The advertisement would also encroach into an otherwise open grass verge area and would disrupt and obstruct wider views of the landscaped verges beyond. Consequently, it would represent an unsympathetic and intrusive addition which would erode the positive landscaped character of this section of the A561 EIC.
9. Even if the display were switched off for a number of hours overnight it would still be illuminated for significant periods when ambient light levels are low, especially in winter. Limits on the level of illumination and on matters such as the use of moving images would not address the harm I have identified, since its substantial size and fully illuminated appearance would still be evident. I recognise that advertisements are intended to attract attention, and have been referred to the greater flexibility and sustainability of digital advertising compared to poster advertising. However, such matters do not outweigh or alter my conclusions regarding the significant harm to amenity that would arise from the new digital display proposed in this case.
10. I have been referred to consents for other digital advertisement displays elsewhere in the city, some of which appear to be in verges alongside busy highways. However, from the somewhat limited evidence before me I cannot be certain of the specific circumstances in which those advertisements received consent or that they were directly comparable to those in the case before me, including with regard to the character and context of their surroundings. In any event, I have considered the appeal on its own planning merits and those other consents elsewhere do not alter my conclusions regarding the specific harm to amenity that would arise in this case.

¹ Paragraph Reference ID: 18b-079-20140306.

11. The proposed advertisement would have an adverse effect on the amenity of the appeal site and its surroundings. Therefore, it would not accord with the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed, or with the guidance in the PPG as set out above. Nor would it accord with Policies HD25 or OE15 of the UDP, which state that consent will not be granted for advertisements which would dominate or adversely affect the amenity of an area or detract from the visual amenity of an EIC. I afford those adopted policies significant weight as material considerations.
12. I have also been referred to Policies UD9 and UD1 of the emerging Liverpool Local Plan 2013-2033 Pre-Submission Draft January 2018. Those policies have similar aims in requiring proposals including advertisements to take account of local character. However, the weight I afford them as further material considerations is limited given the current status of the emerging plan as described in the submissions before me.
13. Therefore, the appeal is dismissed.

Jillian Rann
INSPECTOR