

Appeal Decision

Site Visit made on 4 January 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/Z4310/Z/20/3261100

25 Kirkdale Road, Liverpool, L5 2QQ

- 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/1699, dated 15 July 2020, was refused by notice dated 9 September 2020.
 - The advertisement proposed is 3m (H) x 6m (W) (48-sheet) wall-mounted internally illuminated digital advertisement display.
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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. However, 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. 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, with a higher proportion of residential uses in the vicinity of the site. The appeal relates to the side elevation of a public house on Kirkdale Road, which is a multi-laned highway serving Liverpool City Centre. Adjacent to the public house, and between it and the junction with Boundary Street, is a large grassed amenity area, giving an open character to the area.
6. The proposed advertisement would be a digital display, approximately 6.3 metres wide and 3.3 metres high. It would sit 2.5 metres above the ground

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

- and would display static illuminated advertisements changing every 10 seconds. It would replace a smaller, non illuminated advertisement.
7. The advertisement would be located in a prominent position, highly visible from the surrounding area to both road users and pedestrians. Although the proposal falls within best practice guidance for brightness the digital illumination, due to its size and position on the building, would result in a visually incongruous feature that would dominate the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence. and harmful effect on the amenity of the area. Whilst the massing of the building would accommodate an advertisement of this size, the design of the building which includes chimney breasts would mean that the advertisement would protrude from the elevation of the building, thus failing to relate positively to the building behind and adding to the prominence of the advertisement in the street scene. The existing landscaping would not mitigate the visual impact of the advertisement display.
 8. I acknowledge that the A59 is a busy thoroughfare and that residential properties are set back some distance from the road. Nevertheless, the area around the appeal site is predominantly residential in character. When viewed in the context of nearby domestic properties this would emphasise the intrusive appearance of the display.
 9. The appellant has proposed conditions to ensure any displayed advertisements would not include moving visual effects and to control the level of illumination, reflecting best practice. However, these matters alone would not be sufficient to mitigate the harm identified.
 10. My attention has been drawn to examples of other digital advertisements adjacent to the highway in the vicinity of the proposal. From the information before me it appears that the examples are not directly comparable to the appeal proposal as they are freestanding installations. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case. Furthermore, the absence of objections from local residents is a neutral factor which does not weigh in favour of the proposal.
 11. 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 Policies OE15 and HD25 of the saved Liverpool Unitary Development Plan (2002).
 12. The Council have also referred to Policies UD9, RF1 and UD1 of the emerging Liverpool Local Plan. This plan is still at examination and as I am not assured that the policies will be adopted in their current form, I have attributed them only limited weight.

Conclusion and Recommendation

13. 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

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

Anne Jordan

INSPECTOR