



Appeal Decision

Site visit made on 4 August 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th September 2021

Appeal Ref: APP/Z4310/Z/21/3267736

Former Botanic Hotel Site, 231 Wavertree Road, Liverpool, L7 5LZ

- 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 M Swindles against the decision of Liverpool City Council.
 - The application Ref 20A/2381, dated 25 September 2020, was refused by notice dated 11 December 2020.
 - The advertisement proposed is the installation of an advertising station and associated wildflower meadow garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advertisements on residential and visual amenity.

Reasons

3. The signs would face both ways along Wavertree Road. The dwellings on Lemon Close are set back some distance from the proposed signs behind a grass verge. The signs would also be almost perpendicular to the windows of the houses rather than facing them and the illumination could be limited to 200 candela per metre square at night, which is not particularly bright. I therefore consider that there would be no harm to the residential amenity of the occupants of the dwellings from the emission of light.
4. There is a retail park opposite the site on Wavertree Road which contains large scale utilitarian buildings but the side of Wavertree Road where the signs would be installed has a more residential character. The signs would introduce a commercial feature to the residential side of the road. Whilst I appreciate that the retail park is directly opposite, this does not provide justification for the visual encroachment of a commercial looking structure into the residential area.
5. Furthermore, on the side of the road of the proposed signage, lies the Grade II* Listed Wavertree Botanic Garden and Park. This is a 19th Century public park which contains walled botanic gardens. It is an early example of a municipal botanic garden and park and the landscape design is essentially unchanged from its original mid-19th Century layout. It is an important component of Liverpool's ambitious mid-19th Century sequence of public parks and retains structures from this time, including the Grade II Listed

Curator's lodge at the other end of Botanic Road and a Grade II listed fountain in the middle of the park. I saw these two buildings at my visit but they are some distance from the proposed signage.

6. The park appears as an oasis of green space within the street scene and is viewed within the context of the appeal site. The setting of this designated heritage asset are the roads and buildings surrounding it, in particular, the late 19th Century terraces on Botanic Road. The large, illuminated signage would be seen in views from, and alongside this terrace. It would also be seen alongside a principal carriage entrance to the Park which has significance for its iron gates, sandstone piers and planting along the boundaries.
7. Due to its large size, modern design and illumination, the signage would be a prominent feature within the street-scene and would be incongruous and visually intrusive within the setting of the Park and Gardens.
8. Although the site is currently overgrown with vegetation and is surrounded by a tall broken fence, the creation of a wildflower garden and the planting of trees on the site would not overcome the visual impact of the signs themselves. This is because the advertisements would have long ranging views and would be more intrusive upon the street-scene and the setting of the Park and Gardens than the current unkempt condition of the site.
9. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. I have taken into account the policies provided by the Council but they have not, in themselves, been determinative.
10. Whilst I find no harm to residential amenity, I find harm to visual amenity which makes the proposal unacceptable.
11. I have taken into account all other matters raised and public safety, but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR