



Appeal Decision

Site visit made on 31 March 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/Z4310/Z/21/3282127

1 Carisbrooke Road, LIVERPOOL, L4 3QU

- 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 Wildstone Estates Limited against the decision of Liverpool City Council.
 - The application Ref 21A/1610, dated 25 May 2021, was refused by notice dated 29 July 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above Regulations require that proposals for advertisement consent should be assessed in terms of their effect on amenity and public safety. The provisions of the development plan should be taken into account, but only as far as they are material to these considerations.
3. Since issuing its decision on the appeal proposal, the Council has adopted the Liverpool Local Plan 2013-2033 (Local Plan). This contains Policy UD9, which deals with advertisements and so is relevant to this appeal. Policy 25 of the Unitary Development Plan, which is referred to in the Council's decision notice, has now been superseded and no longer forms part of the development plan for the area. I have therefore taken no account of Policy 25 in this decision.

Main Issue

4. The main issues are the effect of the proposed advertisement on public safety and amenity.

Reasons

Public safety

5. The proposed digital display would replace the existing freestanding paper sign located on the corner of Carisbrooke Road and Barlow Lane, overlooking the intersection with the A59. Owing to its position, the sign would not be readily visible to traffic travelling north along the A59, and its siting to the side of the road would mean it would not appear prominent to drivers travelling south. However, the sign would directly face traffic travelling along Spellow Lane towards the junction with the A59.

6. I saw on my site visit, that when travelling along Spellow Lane towards the A59 intersection in a car, the existing sign appears to be directly behind the traffic signal controlling entry into the junction. In the current situation, the traffic light can be easily distinguished from the existing paper sign, but when seen in the context of a digital LED display, the traffic light would be less obvious, with the potential for the traffic light to merge into the digital picture.
7. The proposed sign would be sited at a slightly higher position than the existing hoarding. However, the image included in the appellant's statement shows that when viewed from the junction at Spellow Lane, the red traffic signal would appear only just below the base of the proposed sign. Furthermore, the angle of view would depend on the driving position, and so for some drivers the proposed sign may appear to be directly behind the traffic light.
8. The brightness of the sign and the transition between images could be controlled to minimise distraction to drivers. However, even if it were set up so as to closely resemble the existing paper sign, the proposed digital display would look different. This would be particularly the case at night time and in low light conditions, when the proposed sign would appear to be a bright and prominent feature. At these times, when driving conditions may already be more challenging, the traffic signal may become difficult to distinguish from the digital image behind or immediately above. Failure to notice and stop at the traffic light, particularly by drivers who were unfamiliar with the road layout and may not be expecting it, carries a significant risk to highway safety at this busy junction.
9. I conclude that the proposed digital sign would have an unacceptable risk to highway safety. By competing with the traffic signal, the sign would constitute a traffic hazard, and would therefore conflict with part b) of Local Plan Policy UD9.

Amenity

10. The area surrounding the appeal site is characterised by a mix of uses, with a range of shops and other commercial premises fronting both sides of the A59. Many of the buildings have upper floors which may be in residential use, and the surrounding streets of Spellow Lane, Barlow Lane and Carisbrooke Road are residential in character.
11. There is a wide variety of signage in the area, particularly associated with businesses along the A59. The existing paper sign is relatively unobtrusive in its setting, but is somewhat tired in appearance. Its replacement with a modern digital display has the potential to improve the appearance of the sign and would not result in additional advertisement clutter in the area.
12. The proposed LED display with changing images would be brighter and more noticeable within the streetscene than the existing non-illuminated advert, but a digital sign would not be unexpected along a main road in a well-lit urban area such as this. The effect of the proposal on the character of the area would be acceptable.
13. The sign would be seen by passing traffic and other road users but would also be visible from the upper windows of nearby properties on this busy road junction, some of which appear to be in residential use and look directly towards the proposed sign. Given its proximity, regularly changing light

emitted from the proposed LED digital sign has the potential to be intrusive to neighbouring occupiers. This would be a particular concern at night time, after other businesses have closed and general light levels within the area are lower.

14. However, the brightness of the screen would be controlled, with a maximum luminance level of 300cd/m² at night time proposed. This would accord with guidance from the Institute of Lighting Professionals for small town centres or suburban locations, but the appellant has indicated that the screen brightness could be further reduced to 200cd/m². Given the proximity to residential uses, this would seem to be appropriate. A light spill diagram has been submitted as part of the appeal which appears to show that this lower level of brightness would not adversely affect the amenity of neighbouring properties, including the adjacent property on Carisbrooke Road.
15. The appellant has supplied a revised drawing showing how the position of the sign could be altered slightly to the north. This would help to overcome concerns about the potential effect of the sign on the outlook from the lower residential window at 75 Barlow Lane.
16. From the information provided, I am satisfied that suitable controls could be imposed to ensure that the effect of the proposed digital sign on the character of the area and neighbour amenity would be acceptable. As it would not cause harm to amenity, there would be no conflict with part f) of Local Plan Policy UD9, which seeks to prevent loss of amenity to local residents due to light.

Other Matters

17. The appellant has identified a number of environmental, social and economic benefits of the sign, but I am only able to consider the proposal in terms of its affect on amenity and public safety.

Conclusion

18. Although the sign could be controlled to avoid causing harm to amenity, this would not overcome the concerns I have identified in relation to public safety. For the reasons set out, the appeal is therefore dismissed.

R Morgan

INSPECTOR