



Appeal Decision

Site visit made on 1 February 2023

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/M4320/Z/22/3311661

2 Rose Hill, Southport PR9 0SN

- 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 Bleasdale estates Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01256, dated 22 June 2022, was refused by notice dated 12 October 2022.
 - The advertisement proposed is a 6.0m x 3.0m hoarding fixed to gable.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 6.0m x 3.0m hoarding fixed to gable as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:

i) The development hereby permitted shall be carried out in accordance with the following approved plans: P.01.0 (Gable Advertisement), P.02.0 (Site Plan) and P.03.0 (Location Plan).

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, 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. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area including the living conditions of the occupiers of Nos. 106, 106a and 106b Kensington Road in respect of outlook.

Reasons

4. The evidence is that the same hoarding was approved in 2013¹ and the five year advertisement consent has now expired. While such a consent has expired, the existence and approval of the same hoarding on the gable elevation of this semi-detached dwelling is a material planning consideration to weigh in the balance when determining this appeal.

¹ Advertisement consent ref S/2013/0863 dated 2 September 2013.

5. The hoarding approved in 2013 is still in situ, albeit that it is in a dilapidated state. While the local planning authority (LPA) raises concern about the effect of the non-illuminated hoarding on the living conditions of the occupiers of Nos. 106, 106a and 106b of Kensington Road, the evidence is that these lower level dwellings were in situ when the 2013 advertisement consent was issued. Furthermore, the LPA officer report stated at this time *'there are three single storey residential properties in closer proximity which are situated in a small cul-de-sac to the rear of the site. However, the angle of vision from these dwellings is quite acute and the sign would only be viewed peripherally from their rear windows'*.
6. I have no reason to form a different view to that reached by the LPA in 2013 about this matter. Indeed, I do not find that the hoarding would have a dominating impact on the living conditions of the occupiers of the aforementioned properties or any other property in the area. In reaching this finding, I note that none of the occupiers of surrounding properties have objected to the proposal.
7. In considering the same hoarding in 2013, the LPA assessed its impact on the character and appearance of the area. There is no evidence before me to indicate that the immediate environment has materially changed since 2013. While the locality does include a number of residential properties, in the vicinity of the application site there are also some commercial premises at the junction of Rose Hill and Forest Road/Virginia Street together with commercial units on Hart Street. In addition, the gable elevation of the appeal property faces the Southport-Manchester railway.
8. In its immediate setting, I do not find that the hoarding would cause harm to the character and appearance of the area when seen by passers-by. Indeed, I have no reason to depart from the conclusion reached by the LPA in 2013 which was that *'on balance the visual impact of the sign is not unacceptable having regard to the character of the immediate surrounding area'*.
9. For the reasons outlined above, I find that the proposed hoarding would not cause harm to the amenity of the area. In this regard, there would be no conflict with the amenity requirements of policy EQ11 of the Local Plan for Sefton 2017 and paragraph 136 of the National Planning Policy Framework 2021. Furthermore, I do not disagree with the conclusion reached by the Highway Authority that the proposal would not be harmful from a public safety point of view. Consequently, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR