



Appeal Decision

Site visit made on 23 February 2023

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/Z4310/Z/22/3303623

270-272 Smithdown Road, Wavertree, LIVERPOOL, L15 5AH

- 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 D. Goldsmith of INM Properties against the decision of Liverpool City Council.
 - The application Ref 21A/1360, dated 23 April 2021, was refused by notice dated 11 July 2022.
 - The advertisement proposed is LED Outdoor Digital Sign.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by D. Goldsmith of INM Properties against Liverpool City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The proposed digital display would replace an existing 48 sheet paper sign at 270-272 Smithdown Road. The appellant contends that, owing to the length of time it has been in situ, the existing sign benefits from deemed advertisement consent. This position is confirmed in the planning officer's report, which refers to the presence of an advertisement on Google Maps imagery dating back to 2008. However, elsewhere in its submissions, the Council appears to have taken a different view, suggesting that the existing sign does not benefit from deemed consent.
4. Whilst recognising that there is some uncertainty over its status, for the purposes of this appeal I have worked on the basis that the existing sign does have deemed consent, and that the principle of an advertisement of the size proposed has been established in this location. I have therefore limited my consideration of the appeal proposal to the effect of the proposed change in format, from a non-illuminated paper sign to a digital display with changing images.
5. 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. Policy UD9 of the Liverpool Local Plan 2022 deals with advertisements, and Policy SP3 of the same plan is

concerned with the design of development in District Centres. Both policies are relevant to matters of visual amenity, and so I have taken them into account.

Main Issue

6. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

7. In the vicinity of the appeal site, Smithdown Road is characterised by traditional three storey, terraced buildings, with shops, bars and restaurants at street level. The area is commercial in character, and displays a wide range of advertisements, some of which are illuminated. That said, the signage along this part of Smithdown Road is generally limited to individual shop front fascias, with occasional small scale projecting signs at first floor levels.
8. The existing 48 sheet paper advertisement at 270-272 Smithdown Road has been in place for a number of years and forms an established part of the character of the area. However, it is one of the few examples of large format advertisements in the area, and is unusual in that it is not associated with a specific businesses.
9. The proposed digital display would be of a similar size to that existing, and would be sited in the same position, on the side elevation of the building. Like the existing sign, its proposed replacement would be visible when travelling in an easterly direction along Smithdown Road, and would be viewed in the context of surrounding commercial properties, and the railway bridge a short distance away.
10. The level of brightness of the proposed digital sign would be controlled to respond to ambient light levels during the day, and would not exceed the guidelines set by the Institute of Lighting Professionals for small town centres or suburban locations. Nonetheless, even with the proposed controls, the digital display would appear much brighter than the existing non-illuminated paper sign. The proposed LED display with changing images would be far more noticeable in the streetscene, particularly at night and in low daylight conditions.
11. Smithdown Road is a main route into the city centre, and is well lit with lots of activity, including in the evening. However, whilst this area is commercial in nature, large scale digital adverts do not form part of its existing character, and the proposed sign would be an unexpected and overly prominent feature here.
12. The area is identified as a District Centre in Local Plan Policy SP1, but the policy does not refer to advertisements, and support for a mix of commercial uses does not justify the introduction of a large digital sign. Furthermore, the proposal would not have a positive impact on the public realm, and would not reflect the specific characteristics of the centre. Although not determinative, the proposal would fail to comply with Local Plan Policy SP3, which sets out overall design requirements within District Centres.
13. The appeal property fronts onto Smithdown Road, but the proposed advertisement would be sited on the side elevation, which faces onto Nicander Road. This long side street is residential in character, lined on both sides with traditional terraced housing.

14. The appeal site is very close to the residential terraces along Nicander Road, and from the corner of Smithdown Road, and from Nicander Road itself, the proposed sign would be viewed in the context of these buildings. The proposed sign would introduce a highly modern, commercial feature into this traditional residential setting, which would be far more prominent than the existing paper advertisement. It would appear out of place and overly dominant, causing harm to the visual amenity of the area.
15. Overall, I conclude that the proposed replacement sign would cause unacceptable harm to the visual amenity of the area.

Other Matters

16. No objections have been raised in relation to public safety, and I am satisfied that the display could be appropriately controlled to prevent distraction to drivers or other road users. However, that does not outweigh the harm that would be caused to the visual amenity of the area.

Conclusion

17. I have found that the proposed replacement sign would cause unacceptable harm to the visual amenity of the area. The appeal is therefore dismissed.

R Morgan

INSPECTOR