



Appeal Decision

Site visit made on 2 February 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2023

Appeal Ref: APP/Z4310/Z/22/3307391

Picton Road Railway Bridge (west of bridge), Liverpool L15 1EA

- 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 Network Rail against the decision of Liverpool City Council.
 - The application Ref 22A/1073, dated 7 April 2022, was refused by notice dated 28 July 2022.
 - The advertisement proposed is to upgrade existing advertisement billboard to digital LED advertisement.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on visual amenity and highway safety.

Reasons

Visual amenity

3. The proposed advertisement would replace an existing hoarding of largely the same size at generally the same height and location on an elevated railway embankment. The existing hoarding is described by the appellant as an internally illuminated advertisement board. However, at the time of my visit in the early evening when other nearby advertisements were illuminated, that hoarding was not, and it contained a static advertising image.
4. The site is near a busy light-controlled road junction located in an area of mixed commercial and residential uses. The proposed digital advertisement would be readily visible from the highway when approaching the junction from the west, and from windows in the rear elevations of nearby dwellings in Strathcona Road.
5. I saw various forms of advertising on commercial premises close to the appeal site, including some with internal and external illumination. However, the nature of those existing advertisements differs markedly from that proposed in respect of its means of illumination and the introduction of regularly changing images. These regular changes on an elevated brightly lit screen would be noticeably different to other signs in the vicinity and the existing static display board at the appeal site. Notwithstanding the assertion that such digital displays are now commonplace across the road network, this does not justify

their universal introduction, and the proposal would introduce advertising features that would be uncharacteristic to this location.

6. The introduction of regularly changing brightly illuminated images would catch the eye, as is intended, but would appear brash and intrusive in this location where illumination to signage is relatively muted. I recognise the function of advertising is to draw attention, and commercial areas can be an appropriate location for such displays. However, the proposed digital advertisement display would appear in stark contrast to the existing advertisements in the immediate area. Notwithstanding the limits proposed to the levels of illumination, the method of illumination and the regularly changing imagery of the proposal would appear out of place in this context resulting in the proposal having a dominant and intrusive appearance. The proposal would therefore be harmful to visual amenity.
7. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of visual amenity. Policies UD1 and UD9 of the Liverpool Local Plan 2013-2033 (January 2022) (the Local Plan), which require street character to be taken into account in assessing proposals, and that advertisements will only be permitted where they are of the highest standard, are well designed based on local considerations, and where they do not lead to a loss of amenity, are material in this case. Given that I have concluded that the proposal would harm visual amenity, it would conflict with these policies.

Highway safety

8. The proposed advertisement would be positioned at a height and location where it would be visible to drivers, cyclists and other road users approaching the light-controlled junction between Picton Road and MacDonald Street. The position of the traffic light heads located in the centre of the road means the signals are in a direct line of sight towards the proposed advertisement display for most car drivers approaching the railway bridge from the west.
9. Accordingly, the instruction provided to road users from the traffic light heads located towards the centre of Picton Road would be seen against a backdrop of frequently changing illuminated advertisement displays. These illuminated displays, which would change instantaneously, would range in colour and brightness, they would be distracting, and would create circumstances when changing colours on the advertisement display could be confused with changes in the traffic light sequence. This distraction and confusion is likely to lead to unnecessary danger for the drivers of vehicles travelling along Picton Road and those crossing over that road at the junction in either direction.
10. Further, while there is no dedicated pedestrian crossing associated with the traffic lights, I saw that the location, which includes a raised refuge area towards the centre of Picton Road adjacent to the traffic lights, was being used as an informal pedestrian crossing point. While it is reasonable to expect drivers to be alert to all potential hazards in the highway, distraction to drivers caused by the proposed advertisement display, and confusion caused by the regular changes in the advertisement display, would lead to dangers to pedestrians seeking to use the location as an informal crossing point.
11. I recognise that traffic volumes are likely to vary during the day and at night, and I would expect drivers to approach the light-controlled junction with due

caution. However, the proposed advertisement display would introduce those elements of distraction and confusion I have described which, individually and in combination, would result in harm to highway safety.

12. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of highway safety. Policy UD9 of the Local Plan, which supports advertisements only where they do not constitute a traffic hazard, is material in this case. Given that I have concluded that the proposal would harm highway safety, it would conflict with this policy.

Other Matters

13. The Council refers to Policy TP3 of the Local Plan in their reasons for refusal. That policy concerns safeguarding land for transport functions and is not material in this case.
14. The materials proposed to be used in manufacturing the advertisement display would be hardwearing thereby leading to longevity and limited maintenance, and there would be environmental benefits associated with fewer servicing trips and the removal of waste in the production process associated with the existing hoarding. Digital advertisement hoardings may bring benefits in terms of opportunities for their use in public announcements and for non-commercial purposes. Revenue from the proposal may also be reinvested in rail infrastructure and this would be a public benefit. However, recognising that The National Planning Policy Framework indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts, these are not matters to which I can have regard.

Conclusion

15. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

David English

INSPECTOR