



Appeal Decision

Site visit made on 6 April 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/Z4310/D/22/3311018

New Zealand House, 18 Water Street, Liverpool, L2 8TD

- 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 Beauvoir Developments against the decision of Liverpool City Council.
 - The application Ref 22A/0737, dated 16 March 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as '2 No. new 2000x480mm illuminated projecting signs to front elevation. Installation of retractable canopy along front elevation. Addition of flag to existing flagpole. Addition of fixed banner to front elevation'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Advertisements Regulations require that advertisement decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have referred to some of the policies that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.
3. I have noted that during the course of the application, the proposal was amended with plan ref 194-07-001 Rev D, to exclude the canopy, the relocation and increase in height and length of the illuminated signs, the reduction in length of the flag and the reduction in height and length of the banner sign. That plan is referred to in the Council's decision notice. It is unclear to me why the appellant's appeal statement refers to the proposal as submitted originally but I have determined the proposal according to the amended plan as that was the basis for the Council's decision.

Reasons

4. The main issue in this appeal is, therefore, the effect of the proposed advertisements on amenity. The Advertisements Regulations state that factors relevant to amenity include the general characteristics of the locality. The National Planning Policy Framework ('the Framework') says that the quality and character of places can suffer when advertisements are poorly sited.

5. The appeal site is located within the Castle Street Conservation Area (CA). Its significance derives from its hugely significant commercial buildings at the heart of Liverpool's traditional commercial centre in the Victorian and Edwardian eras.
6. It also lies within the setting of two listed buildings. The grade I listed Oriel Chambers which is adjacent to the right of the site is significant as a pioneering building in the use of cast iron construction and has an attractively detailed facade. The grade II* listed India Buildings opposite the site is significant in terms of its transatlantic influence and architectural and planning interest emulating the most impressive early-C20 commercial buildings and grid style system of the US, as well as for its group value with other buildings in the area.
7. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The development plan includes policies HD1 and UD9 in the Liverpool Local Plan (2013-2033) (adopted 2022) which together seek to ensure that proposals conserve or enhance the historic environment and that advertisements contribute to the character of an area with a size, scale and design that is appropriate for the size, scale and detailing of the building. The Framework has similar objectives and attaches great weight to the conservation of heritage assets.
8. Water Street has a mix of traditional and modern buildings and leads down to the Pier Head with views towards the many significant buildings on the waterfront. It contains a mix of uses which include mainly offices and apartments, with a small number of other retail and food and drink uses and an entrance to James Street station. New Zealand House is a traditional commercial building built in stone with an imposing entrance and tall windows either side. Its ground floor is in use as a bar/restaurant which is the subject of the proposed signs. In this street, advertisements are limited in number and generally restrained in their size, scale, design and illumination and any exceptions are generally limited to more modern buildings. The street is therefore somewhat subtle and restrained in its character and this contributes positively to the significance of the CA.
9. The submitted plans show that the proposal includes two illuminated signs of some 3000x720mm which would be attached to the two windows either side of the entrance, a fixed vertical banner of 3273x785mm at second floor level attached to a pilaster in the centre of the elevation and a new flag fixed to the existing flagpole of 4000x1350mm in front of a dormer window in the centre of the roof. I noted at my visit that two illuminated signs of the same scale and design proposed were in place but in a different position, projecting from the stonework either side of the ground floor windows.
10. The proposed siting of the illuminated signs would neither reflect the window design nor be positioned symmetrically around the entrance. The size and scale of those signs would occupy most of the length of the windows and would be excessive in relation to the building's frontage. Furthermore, the internal illumination would be inappropriate for this sensitive location.
11. The siting of the proposed flag and banner signs at a high level would also distract from the unadorned façade of the building and would compete with the ornate detail of the adjacent listed Oriel Chambers and the flags at the listed

- India Buildings opposite. Their size and scale would be disproportionate to the scale and proportions of the building's features.
12. The detailed design of all of the proposed elements, the orange colour and font style of the text on a black background with an orange border, together with an acrylic gloss finish on the signs and banner, has a brashly modern appearance which would be starkly at odds with the restrained character of this traditional building and of the street.
 13. Even if the flag and banner were removed from the proposal as suggested in the appellant's statement, I find that the illuminated signs would detract significantly from the imposing entrance to the building which should remain its dominant feature. They would also distract from and compete with the listed buildings adjacent and opposite.
 14. The other signs referred to by the appellant relate to modern buildings in Water Street, the Strand and Castle Street which have a different context from the traditional building in this case. Others at Castle Street and Dale Street are located in streets which have a greater predominance of bars and restaurants and a less restrained character than Water Street. They do not, therefore, provide justification for this proposal.
 15. Whilst the harm in this case would be less than substantial, it carries considerable weight and the Framework requires that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. Where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. I have not been told of any public benefits in this case that would outweigh the harm identified.
 16. I conclude then that there are no public benefits sufficient to outweigh the harm that would be caused by this proposal. By reason of its siting, size, scale and design, it would fail to preserve or enhance the significance, character and appearance of the CA and the setting of the listed buildings referred to earlier. It would therefore be contrary to the development plan policies and the Framework referred to above.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the proposal would cause significant harm in terms of amenity and the appeal should be dismissed.

Sarah Colebourne

Inspector