The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2023

Appeal Ref: APP/Z4310/Z/23/3316538
Go Fuels Filling Station, 257 St Marys Road, Garston, Merseyside, L19 0NE

- 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 Mr Dan Loughran, LCC Group Ltd against the decision of Liverpool City Council.
- The application Ref 22A/1907, dated 30 June 2022, was refused by notice dated 16 January 2023.
- The advertisements proposed are 1 No totem sign and 2 No. canopy signs. Internally illuminated.

Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed signs on amenity with respect to the character and appearance of the surrounding area, including the Grassendale Park & Cressington Park Conservation Area (CA), and the effect on visual amenity.

Reasons

3. The Council has referred to Policy UD9 of the Liverpool Local Plan 2013-2033, adopted 2022. This is a policy related to the control of advertisements. The Regulations require that decisions are made only in the interests of amenity and public safety. This is reiterated in the National Planning Policy Framework (NPPF). The Council's policy alone cannot be decisive, but I have taken it into account as a material planning consideration. The NPPF makes clear that advertisement control should be simple, efficient and effective.

4. The appeal site is a fuel filling station located in a prominent position on the busy, urban St Marys Road; a dual carriageway. The signs were in place at the time of my site visit. The two canopy signs are some 1.5m in diameter and positioned on the sides of the canopy, close to St Marys Road, facing up and down the street. They would be illuminated. There is a third similar canopy sign on the front edge of the canopy, facing St Marys Road. However, this is not shown on the submitted plans or referred to in the application and I have not therefore considered it in my decision. The totem is some 8.3m high and 3m wide at its widest point and double sided. It sits forward of the building line in

the street and would be illuminated. Although representations refer to it as having a changing display, this was static at the time of my site visit and the original application is for a static display. This is therefore what I have considered.

5. St Marys Road has a wide central reservation which is planted with mature, trees. Buildings, which include mainly commercial and retail properties on the appeal site side of the street and traditional two storey houses on the opposite side, are generally set back from the highway edge, giving the street a spacious and landscaped appearance. To the north-west of the appeal site there is a prominent church which lies within the CA and is Grade II Listed. The CA, a residential area of, in the vicinity of the appeal site, mainly large traditional villas set on generous plots also abuts the rear boundary of the appeal site.

6. In the vicinity of the appeal site, I saw an elevated and illuminated sign for a supermarket but this was modest in scale and set back to observe the building line in the street and was not, therefore, overly prominent in the street scene. Some distance to the north-west, I saw a fuel filling station totem but this was also set back and seen in the context of a parade of shops. Moreover, it was noticeably smaller than the appeal totem and, overall, less prominent in the street scene.

7. The proposed totem, if allowed to remain, would be an uncharacteristically large and prominent feature in the locality, despite the area being busy and urban. It would appear as a bulky and discordant structure, projecting forward of the generally well observed building line, resulting in a strident and incongruous presence in the street scene. At night, the proposed illumination would make it visible for a considerable distance and appear as a bright and inharmonious feature.

8. Although the proposed totem would be outside the CA, which is a designated heritage asset, it would be seen in the context of the CA and in particular the Grade II Listed church. Of particular concern, the totem would obscure views of the church and churchyard when viewed from the south-east. In other views, it would fail to blend with the traditional appearance of nearby buildings and the historic character of the CA, including the church, to which, as set out in the NPPF, great weight should be given to its conservation. Although the harm would be less than substantial, there would be minimal public benefit in allowing the sign to remain and this would be insufficient to outweigh that harm.

9. Representations from residents living in the dwellings opposite the site express considerable concern regarding the level of illumination from the totem. Although the brightness could be controlled by condition, concern is expressed that the lighting currently shines into bedrooms and living rooms, resulting in significant harm to the amenity of occupiers in terms of dazzle and sleep disruption. Even if the level of illumination was controlled, I consider that owing to the proximity of the dwellings, the scale of the totem and its uncharacteristic level of illumination, there would remain an unacceptable risk of a material loss of amenity for occupiers.

10. Turning to the canopy signs, the sign facing the nearside carriageway would be clearly visible across the frontage of other commercial buildings. Although in proportion with the deep canopy, it would be a large sign and when illuminated at night would draw the eye. In conjunction with the totem, it would add to the visual clutter of the proposed advertising and to the level of illumination during

the hours of darkness, detracting from the more restrained character and appearance of the street scene.

11. The sign facing the opposite carriageway would be obscured by both the church hall and the central reservation trees from pedestrians and drivers approaching at a distance from the north-west. However, at close quarters it would add to the visual clutter and, during hours of darkness, to the uncharacteristic level of illumination in the area.

12. The appellant considers that the signs are neither incongruous nor do they contribute to visual clutter and that the totem is not excessively large in the context of the character of St Marys Road, including that it is a wide dual carriageway. However, for the reasons set out above, I cannot agree with these views.

13. It is concluded on the main issue that the proposed totem, and the canopy signs taken in conjunction with it, would materially detract from the character and appearance and visual amenity of this part of St Marys Road and the surrounding area, including the CA. In addition, the totem would harm the living conditions of occupiers of dwellings opposite the site. Overall, the proposed signs would therefore be materially detrimental to the amenity of the area. In consequence, they would conflict with the provisions of the NPPF, with guidance relating to advertisement control in the National Planning Practice Guidance and with local policy.

14. For the reasons set out above and having regard to all other matters raised, including a representation from a member of the public supporting the proposed development, I conclude that the appeal should be dismissed.

K E Down
INSPECTOR