



Appeal Decision

Site visit made on 26 July 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/W4325/Z/23/3316129

Land at Stanley Road, Birkenhead CH41 7AZ

- 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 Hiles, Alfa Trustees Ltd against the decision of Wirral Council.
 - The application Ref ADV/22/00807, dated 10 May 2022, was refused by notice dated 16 December 2022.
 - The advertisement proposed is replacement of 2no. traditional 48-sheet advertising displays with 2no. 48 sheet sized digital LED advertising units.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this case the Council raise no objection to the proposal from a public safety point of view. I have no reason to disagree with that view also taking into account comments made by the Highway Authority. The Council's reasons for refusal relates to effect of the proposed advertisement on the amenity of the area.
3. Therefore, the main issue is the effect of the proposed advertisements on amenity.

Reasons

4. The appeal site is located in a prominent position opposite Nos. 15 to 23 (odds) Stanley Road, close to the junction with Station Road and a pedestrian footway leading to Tyrer Street. There are dwellings to the rear and side of the site and a pedestrian crossing immediately in front of the site.
5. At the time of my site visit I observed that the site currently supports one externally illuminated advertisement hoarding positioned at an angle against a tall wooden fence at the corner of Stanley Road and Station Road. The appellant has provided evidence of a second similarly sized externally illuminated advertisement hoarding positioned at an angle adjacent to the rear garden of 29 Tyrer Street, facing Stanley Road. Although this advertisement was no longer in place, I saw two tall supporting structures to which it would have been attached. The appellant asserts that hoardings have been on the site for at least 60 years. This is not disputed by the Council.
6. The appellant states that the hoardings were removed as a result of storm damage and it is evident that only one has been replaced. However, I have no conclusive evidence of the advertisements accruing deemed consent due to the

passage of ten years. Furthermore, I have seen no evidence that either advertisement would still benefit from deemed consent if replaced. As such, I do not find this to be a realistic fallback position compared to the appeal proposal.

7. Regardless of the status of the existing hoardings, it is proposed to replace them with similar sized 48-sheet digital LED advertisements which would display a series of static images that would change no more than once every 10 seconds.
8. Planning Practice Guidance¹ sets out that factors relevant to amenity include the general characteristics of the locality and in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood, where residents or passers-by will be aware of the advertisement.
9. At my site visit, albeit a snapshot in time, other than road traffic signs, I saw no other large format advertisements close to the appeal site aside from a slim profiled totem sign on Asda car park off Stanley Road. The existing hoarding was clearly visible on approach from Wallasey Bridge Road once over the railway bridge, where the area is predominantly residential. The site was also clearly visible for a significant distance when travelling northwards on Stanley Road, due to the topography of the road.
10. Even if advertisement hoardings have been in place on the site for several years, the appearance of the digital screens would be very different to the existing external illuminated paper and paste advertisements. The proposed advertisement displays would be sizeable, set above ground level, tower above the fence to which they would be attached and would be close to the road.
11. 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 300cd/sqm at night. Nonetheless, even with the proposed controls, the digital display would appear much brighter than the existing downward 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, even though there are streetlights in the surrounding area.
12. The appeal site is very close to residential properties along Stanley Road, Gautby Road and Tyrer Street and would be viewed in the context of this predominantly residential area, rather than that of Birkenhead North railway station, which is at a lower level off Station Road. The proposed advertisements would introduce a highly modern, commercial feature into this residential setting, which would be significantly more prominent than the existing advertisements.
13. Moreover, due to the limited distance and angle towards views from the front windows of Nos. 15 and 17 Stanley Road the proposed southerly advertisement would be harmful to the visual amenity of occupiers of these dwellings, particularly during darker hours when the advertisement, despite the level of control available, would inevitably have a bright and imposing appearance on the eye.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

14. Overall, I conclude that the proposed digital advertisements would be intrusive and conspicuous features in the streetscene and would cause unacceptable harm to the visual amenity of the area. In this regard, there would be conflict with the amenity requirement of paragraph 136 of the National Planning Policy Framework 2021.

Other Matters

15. I have considered the benefits which a digital display can bring by, amongst other things, not deteriorating as quickly as poster advertisements in poor weather conditions and there may be other benefits associated with new, efficient and modern digital displays. 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, none of the above outweighs the harm that would be caused to the visual amenity of the area.
16. I appreciate that the application was recommended for approval by officers. Nevertheless, Members ultimately came to a different conclusion. I have dealt with the appeal on its planning merits based on the evidence before me and found it would result in unacceptable harm to amenity.
17. Although there were no objections to the proposal, a lack of objection is not a reason to approve unacceptable advertisements.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

A Veevers

INSPECTOR