



Appeal Decision

Site visit made on 11 September 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/M4320/Z/23/3321043

Land at Rimrose Road at the corner of Marsh Lane, Bootle L20 4LZ

- 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 Warren Milroy of Vivid Outdoor Media Solutions (B) Limited against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2023/00315, dated 16 February 2023, was refused by notice dated 18 April 2023.
 - The advertisement proposed is freestanding 48-sheet advertisement.
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Decision

1. The appeal is allowed and express consent is granted for a freestanding 48-sheet advertisement on Land at Rimrose Road at the corner of Marsh Lane, Bootle L20 4LZ in accordance with the terms of the application, Ref DC/2023/00315, dated 12 February 2023. The consent is for five years from the date of this decision and is subject to the five conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candelas per square metre between dusk and dawn.
 - 2) The advertisement permitted by this consent shall display only static images that do not require close study (such as lengthy email addresses or telephone numbers) and the sequential change between advertisement images shall take place no more than once every 10 seconds.

Preliminary Matters

2. The Council has drawn my attention to the policy it considers to be relevant to the appeal and I have taken it into account as a material consideration. However, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policy has not therefore, by itself, been decisive.

Main Issue

3. The main issue is the effect of the proposal on amenity with particular regard to the character and appearance of the area.

Reasons

4. The appeal site is located at the junction of Rimrose Road (A569) and Marsh Lane. The proposed advertisement would be angled so that the display would be viewed from Rimrose Road. It would be sited within a narrow strip of

landscaping that adjoins a low brick wall enclosing a car park. Further planting is located within the car park to the rear of the wall. Close to the site are lamp posts, traffic signs, a signalised pedestrian crossing and highway barriers.

5. Rimrose Road is a well-lit, busy urban dual carriageway within a Primarily Residential Area as designated in A Local Plan for Sefton (2017) (LP). Whilst there are pockets of residential development, including one on the opposite corner of the Marsh Lane junction to the appeal site, Rimrose Road is predominantly commercial in character.
6. There are no digital advertisements present for some distance along Rimrose Road in either direction of the site. Nonetheless, there are a mix of advertisements and signage in the area including tall totem signs at Go Outdoors and the Hyundai and Lexus dealerships nearby.
7. Due to its position on the splayed corner angled towards Rimrose Road and the tall commercial buildings on Marsh Lane, the proposed advertisement would only be visible in short distant views along Marsh Lane towards the junction. In this position, adjoining a car park, it would not appear as a discordant or incongruous feature in such views.
8. Whilst the proposal would be free standing it would largely be seen against the backdrop of the nearby buildings, notwithstanding that such buildings are separated from the proposal by the car park. The advertisement would be visible when travelling along Rimrose Road for a reasonable distance, however intervening structures and landscaping would limit the extent of longer distance views. The proposal would not obscure or result in the loss of existing landscaping features to the extent that any green corridor that exists along Rimrose Road would be materially eroded.
9. In such a well-lit and predominantly commercial urban setting its scale and appearance the proposal would not dominate the street scene or the adjoining buildings. In addition, it would not lead to a proliferation of advertisements that would, in combination with the existing street furniture nearby, create unacceptable visual clutter. I am satisfied, subject to restrictions on the brightness of the proposed advertisement between dusk and dawn, it would not be harmful to the amenity of the surrounding area.
10. Concern has been expressed that the proposal would cause harm to the residential amenity regarding the character and appearance of the area. However, given the distance between the signs to the nearest dwellings, and in the absence of any substantive evidence to the contrary, I do not consider that the proposal would result in any material harm to the living conditions of the occupiers of nearby dwellings.
11. Accordingly, for the above reasons, the proposal would not unacceptably harm the amenity with regard to the character and appearance of the area. There would be no conflict with LP Policy EQ11 or paragraph 136 of the National Planning Policy Framework which together seek to ensure that advertisements are sympathetic to, and do not damage the quality and character of their surroundings.

Other Matters

12. Although not raised by the Council, concern has been expressed that the proposed advertisement would distract road users. However, in the context of a

well-lit busy urban dual carriageway in a predominantly commercial context, the presence of the sign would not come as a surprise. Furthermore, the appellant has indicated that the proposed advertisement would display a series of static poster images that will change no more frequently than once every 10 seconds. Such restrictions could be secured through the imposition of conditions. In addition, as recommended by the highway development design section, restrictions that prevent inclusion of lengthy contact details could also be secured by condition. I am therefore satisfied, based on my observations and the evidence before me, that the proposed advertisement would not be a distraction that would cause harm to public safety.

13. I acknowledge the disagreement between the parties as to whether the appeal site forms part of the adopted public highway and that the highway development design section has indicated that it would not approve the erection of the proposed advertisement on the public highway. However, this is a matter that falls outside of the planning regime.

Conditions

14. The Council, in the questionnaire has not indicated that any further conditions, other than the five standard conditions set out in the Regulations are necessary should be imposed. Such conditions do not need to be repeated in this decision. However, as referred to above, conditions are required to control elements of the advertisement's display and brightness in the interests of amenity and public safety.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR