



Appeal Decision

Site visit made on 14 November 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/H4315/Z/23/3323539

10 Ravenhead Retail Park, Wallis, Milverny Way, St. Helens WA9 1JF

- 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 Rawnsley against the decision of St Helens Metropolitan Borough Council.
 - The application Ref P/2023/0093/ADC, dated 16 February 2023, was refused by notice dated 12 April 2023.
 - The advertisement proposed is 2no internally illuminated SMD LED Digital Displays at Wren Kitchens, Ravenhead Retail Park, 10 Milverny Way, Saint Helens, WA9 1JF.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Regulations¹ require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. As there is no dispute between the main parties in relation to the effect of the proposal on public safety, the main issue is the effect of the proposed advertisements on the amenity of the area.

Reasons

3. The appeal site is an existing unit on an established retail park. It is within a row of similar sized units all of which have a simple functional design with a deep projecting section over the entrance doors and advertisement signage on the sides of the projection. The projecting sections, overhanging roofs, exterior cladding and the position of the advertisements currently result in a consistent appearance to the retail park and the front elevations are highly visible from the retail park road and car parking areas.
4. Although the Wren Kitchens signs, which have been erected on the appeal property, are larger than others in the row as they encompass the full width of the projecting section, the appeal site currently contributes positively to the appearance of the retail park.
5. The proposal would comprise two large digital advertising panels attached either side of the projecting section of the building, on the upper walls of the unit.
6. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy LDP08 of the St Helens Borough Local Plan up to 2037 (LP) supports proposals for advertisements

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended

provided they would have an acceptable effect on amenity. The policy advises that amenity includes the requirement for advertisements to respect the scale of and be sympathetic to their surroundings, not dominate any buildings, respect the design and appearance of the building on which they would be displayed, and consider proliferation and clutter of advertisements.

7. Although the existing advertisements on the buildings are at a high level, I have not been made aware of any other large digital advertisements at high level within the Ravenhead Retail Park.
8. The appeal proposal, as two large digital advertisements either side of the projecting section, would be out of keeping with the size, scale, and position of the existing advertisements on the host building and the other buildings within the row. Moreover, the addition of two extra advertisements would, cumulatively with the existing Wren Kitchens signs, result in visual clutter to the upper-level front elevation of the building and the row of retail units as a whole.
9. The appellant has drawn my attention to existing high-level advertisements on Unit 7 and contends that these advertisements are similar to the appeal proposal. However, I saw at my visit that Unit 7 is the corner unit and has first-floor showroom windows on the front and side elevations. The advertisements referred to are window vinyls in the first-floor showroom windows and are therefore materially different to the appeal proposal before me. Furthermore, I have no compelling evidence that the advertisements at Unit 7 have consent under the Regulations and the Council has advised that these advertisements should be the subject of an investigation. As such the existing advertisements at Unit 7 are materially different and do not set a precedent for the proposal, as contended by the appellant.
10. For the reasons set out above, I conclude that the size, scale, and position of the proposal would result in visually incongruous advertisements that would dominate the existing building and be discordant with the surrounding retail units. As such the proposal would, therefore, have a harmful effect on amenity and, in so far as it is relevant, the appeal proposal would conflict with Policy LDP08 of the LP.
11. For the same reasons, the proposal would not comply with the guidance set out in the National Planning Policy Framework, specifically paragraph 136 which seeks to resist advertisements which are poorly sited and designed.

Other Matters

12. The appellant has referred to communications with the Council and the lack of a response to their offer to change the advertisements. However, the conduct of the Council during the consideration of the application does not affect my findings on the main issues.

Conclusion

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

K Townend BSc MA MRTPI

INSPECTOR