

Appeal Decision

Site visit made on 20 November 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/M4320/Z/23/3332057

Town Hall And Playing Fields, Hall Lane, Maghull L31 7BB

- 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 Wildstone Estates Limited against the decision of Sefton Council.
 - The application Ref DC/2023/00930, dated 12 May 2023, was refused by notice dated 27 September 2023.
 - The development proposed is a 48 sheet advert digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on amenity.

Reasons

3. The proposed advert would be situated within the car park of the existing community centre. The council have only raised concerns with regard to amenity and not with regard to highway safety. The new advert would be experienced predominantly by occupants of vehicles using the Northway and Hall Lane and also local pedestrians. The leisure centre, town hall and other community facilities nearby, have relatively modest signage associated with their particular uses.
 4. The dual carriageway is dominated by road infrastructure such as road signs, a pedestrian bridge, barriers and street lighting but it also has a significant amount of landscaping along its length to each side. Although described as commercial by the appellant, aside from the community uses, the overriding perception when driving along the Northway, is that the area has a residential character. This is also the case when on Hall Lane to the east. There is a small area of commercial properties to the west on Hall Lane, serving this housing area, but this too has only limited signage associated with the small commercial centre.
 5. The proposed digital advert would be entirely at odds with the prevailing character of this area. It would result in significant harm to visual amenity.
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6. I note the Council's reference to policy EQ11 of the Local Plan 2017 which concerns the display of advertisements. I find conflict with part 2a of that policy given that the advert would not respect or be sympathetic to the immediate surroundings or the street scene. The regulations require that decisions be made only in the interests of amenity and public safety and therefore the policy cannot be decisive. I have taken it into account as a material consideration.
7. I have had regard to the suggested conditions which would control brightness and I have considered the potential benefits of the public use of the display. I am mindful of the benefits of digital displays over traditional paper adverts although, as this proposal is not a replacement, these benefits are of limited relevance. Examples of other permitted displays have been provided but they do not appear to be directly comparable. I must, in any event, consider the merits of this proposal within this particular context. I acknowledge that the advert would be sufficiently distant from nearby houses so as not to cause harm to residential amenity. The proposal would result in some economic benefits but given the harm that would result to the local environment, I do not consider that it represents sustainable development in this context.
8. In conclusion, the advert would have a harmful impact on visual amenity. I acknowledge that it may offer commercial benefits that provide weight in its favour but overall, the matters put forward in support of it, are not sufficient to outweigh the harm that would result to the amenity of the area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR