



Appeal Decision

Site visit made on 3 January 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/Z4310/Z/23/3330125

11 Paradise Street, Liverpool, L1 3BL

- 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 Heart with Smart Group against the decision of Liverpool City Council.
 - The application Ref 23A/1994, dated 26 July 2023, was refused by notice dated 16 October 2023.
 - The advertisement proposed is described as an electronically operated awning.
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Decision

1. The appeal is allowed, and express consent is granted for an electronically operated awning at 11 Paradise Street, Liverpool, L1 3BL, in accordance with application ref: 23A/1994, dated 26 July 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition: -

The development hereby permitted shall be carried out in accordance with the following approved plans: PLO3 (in relation to awning details); PLO4 (in relation to awning details); PLO5 (in relation to awning details) and PLO6 (awning details).

Procedural Matters

2. Application 23A/1994 was the subject of a split decision whereby a fascia sign, a projecting sign, metal lettering and logos to the shop front glazing were approved, but where the proposed electronically operated awning was refused. Therefore, the appeal only relates to the latter.
3. While the application refers to the proposed awning, the appeal is submitted with regard only to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and not in relation to any planning application under section 78 of the Town and Country Planning Act 1990.
4. The local planning authority (LPA) has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under 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 policies have not therefore, by themselves, been decisive.

5. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.
6. The LPA makes no objection to the proposal upon grounds of public safety, and I have no reason to disagree.

Main Issue

7. The main issue is the effect of the proposed advertisement upon the visual amenity of the area.

Reasons

8. The proposed awning would extend across the full ground floor of a four-storey property, extending outwards over the pedestrian area. It contains references to the nature of the business both on the main part of the awning and upon its front, vertical face. By their size and location, they would not adversely affect the visual amenity of the area when considered amongst other comparable advertisements in the immediate area.
9. The LPA's objection is to the awning itself and which it considers adversely affects the visual amenity of the area. Both main parties consider it to be part of the advertisement.
10. On my site visit, I was able to note that Paradise Street is a retailing area with a variety of shops of varying sizes, opening directly onto the pedestrianised street. There are various cabins and stalls sited within the street itself and within the immediate area of the appeal site. These add positively and distinctively to the amenity of the area, characterised by its vibrancy and activity.
11. Awnings to the shops themselves in the immediate area are not common, though the appellant has referred to the adjoining public house, the next but one property to the appeal site, which has had such an awning in the past. The appellant has referred to awnings to properties elsewhere on the street, though I consider that, as those mentioned are some distance away, they do not characterise the visual amenity of the area immediately around the appeal site itself. The adjoining, modern retailing unit includes a lengthy glass canopy at high level, though this differs significantly in its design and appearance to what is now proposed.
12. However, when the proposed advertisement awning is considered alongside the various street stalls and cabins, it would assimilate satisfactorily into the area. The overall impact of the advertisement awning, by its limited length, width, design and overall appearance, and its siting amongst the other stalls and cabins, would be appropriate in terms of the visual amenity of the area.
13. Therefore, I conclude that the proposed development would accord with policy UD9 of the Liverpool Local Plan 2022 which requires advertisements to be

appropriate in term of size, scale and design and with paragraph 141 of the Framework which aims to prevent poorly sited advertisements from adversely affecting the quality and character of places.

Condition

14. I have imposed a condition relating to the approved plans in the interests of certainty.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR