



Appeal Decision

Site visit made on 1 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/Z4310/Z/24/3340707

47 Priory Road, Liverpool L4 2RX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Group Limited against the decision of Liverpool City Council.
 - The application Ref is 23A/2906.
 - The advertisement proposed is the replacement of 1 x existing 48 sheet poster board with 1 x digital advertising screen (D-Poster).
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Decision

1. The appeal is allowed and express consent is granted for the display of the replacement of 1 x existing 48 sheet poster board with 1 x digital advertising screen (D-Poster) at 47 Priory Road, Liverpool L4 2RX in accordance with the terms of the application, Ref 23A/2906. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 1. In the hours of darkness (between sunset and sunrise), the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
 2. In daylight hours (between sunrise and sunset), the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
 3. The advertisement hereby approved shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
 4. The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

5. The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display is to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
6. No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs and the illumination of the advertisement shall not at any time be intermittent.

Main Issue

2. The main issue is the effect of the proposed advertisement on amenity.

Reasons

3. An existing externally illuminated 48-sheet advertisement is displayed on the gable end wall of 47 Priory Road. The proposal seeks to replace this with a digital advertising screen in the same location. Priory Road in the vicinity of the site has a distinct commercial character, with a range of retail and commercial frontages along the ground floor with associated signage. The wider area is predominantly residential, although there are advertisements on the side elevations of commercial properties that face the roads off Priory Road.
4. The Council has raised concerns on the size and positioning of the proposed advertisement, but its size and siting would be broadly the same as the existing display. The changing static images would make it more noticeable, but given it is more closely related to the commercial uses and other advertisements along Priory Road, rather than the residential properties along Thurston Road, I do not consider it would appear unduly dominant or intrusive.
5. The proposed advertisement would face the side elevation of another end-terrace property. Although several neighbouring businesses have residential accommodation on upper floors, the appellant has referenced the opposite property being used as offices, which was reflected in my site observations, including on the first floor.
6. There are residential properties further along Thurston Road, but these would only have oblique views of the proposed advertisement. As the changing of images and the levels of illumination can be controlled, I do not consider that the proposal would lead to an unacceptable loss of amenity to either residential occupiers or business uses.
7. For the above reasons, I conclude that the proposed advertisement would not be harmful to amenity. I note that Council make reference to a number of development plan policies, and to the National Planning Policy Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.

Conditions

8. In addition to the standard conditions, I consider conditions to control the intensity of illumination both in the hours of darkness and in the daytime to be

necessary in the interests of public safety and amenity. Conditions are required to limit advertisements to two-dimensional static images, for advertisements to be displayed for a minimum time period, and for the rate of changes between advertisement displays to be near instantaneous in the interests of public safety and amenity. It is also necessary in the interests of public safety for a mechanism to default to a blank or black screen in the event of malfunction, to not display images resembling traffic signs or lights and to prevent intermittent display of advertisements.

Conclusion

9. For the reasons given above, the display of the advertisement would not be detrimental to amenity. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR