



Appeal Decision

Site visit made on 26 July 2024

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

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal Ref: APP/D2320/D/24/3340884

84 Hillfoot Avenue, Liverpool L25 0PF

- 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. Muthusamy Srikanthamoorthy against the decision of Liverpool City Council.
 - The application reference is 23A/1795.
 - The advertisement proposed is for the retention of advertisement signage to the side of the convenience store.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 09 August 2024.

Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. The appeal is made retrospectively for the sign, but not the lighting.
4. The application form states that the advertisement sign is to be illuminated externally, though the advertisement description in the appeal form states that the sign is not lit. For the avoidance of doubt, I have determined the appeal on the basis of the advertisement applied for, that is for an advertisement to be lit externally.
5. The LPA makes no objection to the proposal on grounds of public safety. I have no reason to disagree.

Main Issue

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

Reasons

7. The proposed fascia sign is fixed to the side elevation of a convenience store with a similar, lit fascia sign to its front elevation and which is externally illuminated.
8. The appeal sign is approximately 2.7 metres from the ground, and it faces a residential property where the latter's ground floor and first floor windows face it at a close distance. The appealed advertisement is static. The proposal is for it to be externally lit at a level of 600 cd/m².
9. The adjoining residential property has two windows on the ground floor and two at first floor level on its facing gable wall. The gable wall and windows are very close to the advertisement sign.
10. On my site visit, I was able to see that at least three of the windows appeared to have obscure glass in them. Nevertheless, I consider that the advertisement, being lit, and considering the light intensity proposed, would adversely affect the visual amenities of the occupants of the residential property whether windows have either opaque or clear glass. I consider that the adverse lighting effect would be likely also to include windows to the front of the adjoining dwelling.
11. Furthermore, the convenience store marks the end of the retail and commercial area to one side of it and which is all brightly illuminated, whereas the area to the other side, including the side elevation of the store on which the appeal advertisement is located, is residential in nature and with a general absence of advertisements, lit or otherwise.
12. The appellant has referred to other side advertisements to shops and other commercial premises. However, it is not certain that many of the examples of signs provided are lit and I have no detailed information before me as to the type, nature or closeness of adjoining properties or the character and appearance of the surrounding areas. In any event, I have determined the appeal upon its individual merits.
13. Therefore, I conclude that the proposed development would have an adverse impact upon the amenity of the area, and especially for the occupiers of the adjoining dwelling, contrary to policy UD9 of the Liverpool Local Plan 2022 (LLP) which is resistant to advertisements which detract from the character and appearance of an area, or which lead to a loss of amenity to local residents due to light pollution. It would also be contrary to paragraph 141 of the National Planning Policy Framework 2023 (the Framework) which notes that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

14. The appellant states that the appeal advertisement is necessary to ensure the viability of his business by attracting both pedestrians and drivers. However, the only two issues upon which the advertisement can be determined are amenity and highway safety.

Conclusion

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

S. Hartley

INSPECTOR