



Appeal Decision

Site visit made on 11 November 2024

by K Winnard Solicitor LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/M4320/Z/24/3351599

Land at 45 Ormskirk Road, Aintree, Liverpool L9 5AF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by ARM Capital against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/00387.
 - The advertisements proposed are the replacement of existing externally illuminated paper billboard with 2 No. LED digital billboards.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of the development and I note that this description has been used by the agent for the appellant in the appeal form. I have used this description of the development as it is more succinct.

Main Issue

3. The main issue in the appeal is the effect of the proposed advertisement display on visual amenity.

Reasons

4. The appeal site is an area of open land immediately adjacent to an electricity substation located in a two storey flat roofed, brick building, situate on Ormskirk Road, Aintree, a main arterial route from the motorway network into Liverpool City Centre. The surrounding area is predominantly commercial in nature, with the Aintree Retail and Business Park, Aintree Shopping Centre, and restaurants amongst other retail and commercial units to the south. There is a substantial amount of advertisement display/signage when approaching the site along Ormskirk Road, predominantly advertising the uses to which they are related. The mixed commercial use within heavily trafficked roads is such that it is in the type of area where National Planning Practice Guidance indicates that an advertisement panel would be permitted where it does not adversely affect the visual amenity of the area.
5. The digital billboards would replace an externally illuminated paper billboard which according to the information before me has deemed consent. The

principle of advertisements in this location has already been established by the granting of express consent for the existing paper billboard. The proposal is for a double sided large digital LED screen display elevated 3 m from the ground and measuring 5 m in width and 7.5m in height. It would display static two dimensional advertisements, although these are capable of being changed every 10 seconds.

6. The combination of its size and elevated position means that the advertisement display would be highly prominent and visible from the surrounding area to both road users and pedestrians. Rather than being contained within the surrounding built form, its elevated height and siting on open land, means it would stand as a large prominent structure towering above the adjacent fencing and electricity substation building. Further the proposed intermittent digital display would inevitably draw the eye increasing its visual prominence. Although there is an existing advertisement display at the appeal site, this sits considerably lower, allows views of existing features and does not unduly dominate the streetscene.
7. I appreciate that these types of advertisement displays are common place in many streetscapes within England. However, despite the generally busy commercial setting, due to its size, height and prominent siting it would be a discordant feature within the local context. Whilst there are other adverts along Ormskirk Road, they are much smaller in size and/or not illuminated. They do not appear out of scale alongside the buildings where they are located. Nor do they incorporate such large LED displays in elevated positions as the proposal before me.
8. I have considered the appellant's suggested conditions, including ambient environmental controls, levels of illuminance and minimum display times. However these would not sufficiently mitigate the overall harm that I have identified above which is caused only in part by the illumination and nature of the display.
9. The Regulations require that decisions are made in the interests of amenity and public safety. The Council has identified that the effect on public safety will be acceptable and I agree with this assessment. I have taken into account Policy EQ11 of a Local Plan for Sefton (adopted 2017). Given that I have concluded that the proposed advertisement display would be detrimental to visual amenity, the proposal would conflict with this policy insofar as it seeks to protect amenity.

Other Matters

10. I have considered the other matters raised by the appellant in relation to the general benefits of digital technology compared to the traditional billboard displays and that the advertisement displays may bring benefits in terms of opportunities for their use in public announcements and non commercial purposes. However, these matters are not determinative in this appeal and do not outweigh the harm I have identified in relation to amenity.

Conclusion

11. For the reasons set out above and having regard to all matters raised, I conclude that the advertisement display would be detrimental to the interest of amenity and hereby dismiss the appeal.

K Winnard

INSPECTOR