



Appeal Decision

Site visit made on 3 December 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/Z4310/Z/24/3348232

81 Commercial Road, Liverpool L5 9XS

- 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 Estates Limited against the decision of Liverpool City Council.
 - The application Ref is 24A/0879.
 - The development proposed is erection of new freestanding digital display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the visual amenity of the area.

Reasons

3. The proposal before me seeks permission to install a freestanding internally illuminated digital display advertisement at the traffic light junction where Commercial Road (A5038) and Sandhill Lane (A5055) meet. The appeal site adjoins the back of the highway footway and at present contains a brick wall with relatively mature vegetation growing above.
4. The surrounding area comprises of a mix of uses. To the northeast are residential properties on the opposite side of Commercial Road and on Lambeth Road. To the north, on the opposite side of Sandhills Lane, is an area of green open space and to the south and west is an employment park which contains some large commercial buildings. To the east, on the opposite side of Commercial Road, are playing fields.
5. The existing vegetation on the appeal site, along with the grassed open spaces and playing fields on the opposite sides of the highways, creates a green and verdant character and appearance to the locality. Furthermore, the vegetation on, and adjacent to, the appeal site also provides a natural screen from the larger commercial buildings to the west. Consequently, the aspects of the area which are commercial are not currently obvious and the immediate surroundings to the appeal site therefore have a more subdued quality with the residential properties and open spaces being most prominent.
6. The large size of the proposed advertisement would result in an inharmonious and visually intrusive feature that would dominate views in this area,

especially when approaching from the north along Commercial Road which would provide a long-distance view of the proposed advert.

7. Whilst acknowledging the luminance levels can be controlled, given its size and its digital illuminated nature, with regularly changing imagery, the proposal would form a strident feature within this street scene. Its visual effects would be unsympathetic to, and discordant with, the nearby residential properties, the areas of green open space and the existing vegetation on, and adjacent to, the appeal site. The proposal would therefore be harmful to visual amenity.
8. Evidence has been submitted to demonstrate that the appeal site has previously hosted advertisements, similar in size to the proposal, between 2008 and 2018. However, at the time of my site visit there were no adverts at the appeal site. As such, whilst acknowledging there have been previous advertisements at the appeal site, the amount of time that has elapsed since they were removed significantly limits the weight I attribute these previous adverts in favour of the appeal scheme.
9. Furthermore, from the information before me I find the visual effects of the previous adverts on the site would have been considerably different, and unlikely to have exhibited the same stridency, as the proposed digital advert.
10. The appellant refers to other digital advertisements in Liverpool, specifically on Scotland Road and Great Howard Street. Having observed these adverts I found they were located in areas which were predominantly more commercial than the appeal site and are not therefore directly comparable.
11. The appellant has also referred to other examples of digital advertisements adjacent to areas of open space and vegetation. However, these are not located within the same district as the appeal proposal and are therefore situated a significant distance from the appeal site. I have been provided with no substantive evidence that these examples are directly comparable to the appeal site.
12. Moreover, appeal decisions are dependent on the site-specific circumstances and I have therefore drawn my own conclusions on the appeal proposal having regard to the evidence before me and my observations on site. Consequently, I attribute the examples provided by the appellant limited weight in my determination of the appeal scheme.
13. For the reasons set out above, I conclude that the proposal would fail to assimilate into its surroundings and would unacceptably harm the visual amenity of the area.
14. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material in respect of visual amenity. Policies UD1 and UD9 of the Liverpool Local Plan 2013-2033 (2022), seek to ensure, amongst other things, that street character is taken into account when assessing proposals, and that advertisements will only be permitted where they are of the highest standard and contribute, rather than detract from an area. I have concluded that the proposed advertisement would harm amenity, and therefore the appeal proposal conflicts with these policies. For the same reason, the proposal would also be contrary to the provisions of paragraph 141 of the National Planning Policy Framework.

Other Matters

15. The Regulations require that advertisements be subject to control only in the interests of amenity and public safety. The Council have not suggested the proposal would affect public safety and I see no reason to disagree.
16. The appellant submits there are various benefits of the proposal, including a reduction in vehicle trips; uplift in business rates; reduction in waste; greater flexibility to enable better access to advertising displays for local business; and opportunities to integrate additional hardware to meet Smart City objectives.
17. Whilst I note these benefits, as mentioned, the Regulations require that advertisements be subject to control only in the interests of amenity and public safety and thus these suggested benefits are not matters which have a bearing on my decision.
18. The appellant also refers to visual benefits arising from the proposal which would result from the removal of multiple advertisement sites and panels. However, there are currently no adverts on the appeal site to be removed and thus the proposal would result in an additional advertisement, rather than a reduction, at the appeal site. Moreover, there is no information or mechanism before me which would secure the removal of any other adverts elsewhere if this appeal was allowed. This therefore limits the weight I can attribute this matter in favour of the appeal scheme.
19. In terms of the proposed advert providing an opportunity to broadcast emergency messages and public messaging campaigns, even in a scenario whereby I accepted that this is a public safety matter relevant to the control of advertisements, the benefits derived from it would not overcome the harm I have identified to visual amenity.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the proposed advertisement would harm amenity and the appeal should be dismissed.

R Major

INSPECTOR