
Appeal Decision

Site visit made on 6 December 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Z4310/Z/24/3353555

Beatles News, 2 Victoria Street, Liverpool L2 6QE

- 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 Haikal Alsoufi against the decision of Liverpool City Council.
 - The application reference is 24A/1746.
 - The advertisements are: 1 No projecting/hanging illuminated P4 digital sign attached to front elevation; 1 No individual letters internally illuminated - Beatles News attached to front fascia.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Consent is sought for a projecting illuminated sign and an internally illuminated fascia sign at the front of the appeal property. The advertisements were in place at the time of the site visit, and both appeared to be displayed broadly in accordance with the plans.
3. Reference is made to various planning policies and guidance, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of the appeal, the planning policies and guidance have not therefore by themselves been decisive.

Main issues

4. The main issues are the effect of the advertisements on visual amenity and on public safety, with regard to highway safety.

Reasons

Visual Amenity

5. The appeal property is a ground floor retail unit in a mid-terrace building within a busy retail and commercial area of Liverpool City Centre that includes a wide variety of advertisements. It falls within the Castle Street Conservation Area (CA) and is close to the Produce Exchange Buildings and the Fruit Exchange, both of which are Grade II listed buildings. The listing descriptions provide an indication of the significance of these buildings as designated heritage assets. I have paid special attention to the desirability of preserving or enhancing the

character or appearance of the CA and to preserving the listed buildings or their settings.

6. The fascia sign is above the main front shop window of No 2, which faces Victoria Street. It has a slim profile and includes white letters and figures displayed on a black background. The letters are internally illuminated, a consequence of which is that the fascia sign appears remarkably bright especially during the hours of darkness. Although modest in size, the hanging LED sign is also vivid with words displayed in different colours moving across a black screen. Due to their illumination and prominent position, both signs are highly conspicuous features in the local street scene to which No 2 belongs.
7. From numerous public vantage points along Victoria Street, the fascia and projecting signs appear excessively bright, even in the context of the large shop window below and the presence of existing signs on other properties along Victoria Street. While the appellant has indicated a willingness to reduce the brightness of the advertisements, it is unclear what level of illumination would be acceptable and consent is sought for the advertisements as displayed.
8. Being noticeable reflects the main purposes of the advertisements, which is to attract attention and potential custom. In doing so, I have little doubt that the advertisements are effective given their prominence to Victoria Street, which is a busy route through a mainly commercial area within which some signage is an expected feature. However, an appropriate balance needs to be struck between allowing businesses to engage with and inform prospective customers and safeguarding the visual amenity of the area and the setting and visual character of its buildings, especially where they have heritage value.
9. Having spent time walking around the CA, I agree that there are several examples of prominent illuminated advertisements, to which the appellant has also referred. However, few background details of these advertisements have been provided and so I cannot be certain that their circumstances are the same or like those of the appeal scheme. In some cases, the Council has advised that the signs are unauthorised, and so do not set a precedent. While there are existing signs within the CA that are larger and more prominent than those sought, with those attached to bus shelters particularly visible, these largely exemplify the harm to which I have referred and so do not support the appeal.
10. On the first main issue, I conclude that the appeal signs are visually intrusive and an unwelcome addition to the local area because material harm is caused to its visual amenity. As such, the appeal advertisements fail to preserve the character and appearance of the CA. By visually competing with, and thus detracting from, the setting of the nearby Produce Exchange Buildings and the Fruit Exchange, the advertisements also unacceptably diminish the significance of these listed buildings as designated heritage assets.

Highway safety

11. I saw that Victoria Street is a busy highway with a traffic light-controlled junction close to the site. Although the Council's Highways and Transportation Officer raises no objection to the advertisements, concern is still expressed about the brightness of the advertisements, which the Council, as the Local Planning Authority, considers would be unduly distracting to passing motorists.

12. Although the advertisements are a prominent feature in the local street scene, neither would not interrupt, block, or be confused with road signage. However, the displays are highly visible especially for users of Victoria Street and on the immediate approaches to its junction with North John Street and Cook Street, where road users need to take particular care.
13. During the late afternoon site visit, this junction and the roads leading to and from it were busy. To my mind, this level of activity requires the concentration of drivers and cyclists to be maintained, particularly on the approach to the junction and given that people cross the road at this point. While I saw that the considerable volume of traffic creates relatively low speeds, at times, drivers and cyclists still require a high degree of attention to safely navigate it.
14. In that context, the prominent position and excessive brightness of the new advertisements draw the eye. Both signs are inappropriate because they are a distraction to road users at the point where full concentration on the road ahead is required even from drivers and cyclists that are taking reasonable care of their own and others' safety. Accordingly, I conclude on the second main issue that the appeal signs are harmful to public safety.
15. The National Planning Policy Framework states that when considering a proposal's impact on the significance of a designated heritage asset, such as a conservation area or a listed building, great weight should be given to the asset's conservation. Although the harm to the CA and the setting to the listed buildings would be less than substantial in this case, the public benefits of the advertisements, primarily through the support given to a local business and the economy, do not outweigh this harm.

Conclusion

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

Gary Deane

INSPECTOR