
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: 12 December 2024

Appeal Ref: APP/Z4310/Z/24/3353776

Advertising Right 2, Oakfield Road, Liverpool L4 0UH

- 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 Wildstone Estates Limited against the decision of Liverpool City Council.
 - The application reference is 24A/1922.
 - The proposed advertisement is an upgrade of previously granted existing illuminated LED advertising display.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. At the time of the site visit, parts of the building upon which the proposed advertisement would be displayed had collapsed or been demolished and removed with the retained structure in varying states of disrepair. Only the framework remained of a display panel that was previously in place. In assessing the proposal, I have assumed that the new advertisement would be displayed on the host building as it is shown on the submitted drawings.
3. The main parties have referred to various planning policies and to the National Planning Policy Framework. The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety, taking account of cumulative impacts. As such, the planning policies cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.

Main issue

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

Reasons

5. The proposal is an internally illuminated digital display on the upper sidewall of the appeal building, which faces Oakfield Road in an area of mixed character. In the vicinity of the site, there is housing, a petrol filling station, a public house, hotels and several commercial units. I saw that advertisements in the local area were varied with those along Oakfield Road and nearby streets mostly at street level and often associated with ground floor premises.
6. In 2017, the Council granted consent for an illuminated digital display in the same position as the proposal with the approved sign remaining intact and in

place until recently. The appellant states that the proposal is, in effect, a 'like for like' replacement albeit with a slimmer profile and with updated technology.

7. Although the local area contains a variety of commercial advertisements and it is well lit, I observed very few examples of display units close to the site that would be similar in scale and type to the proposal. Notwithstanding its urban context, the new advertisement, due to its size, elevated position, illumination and frequently changing display, would introduce an overly dominant feature in a prominent location to the detriment of area's amenity.
8. That strong impression would be evident particularly from 2 vantage points. Firstly, when seen from Oakfield Road on the approach to the site from the northwest, the new advertisement would be a substantial feature in the street scene due to its size and elevated position. Its illumination and changing display would cause the new display to be highly obtrusive, projecting above and to one side of the commercial aspects to the adjacent petrol filling station in the foreground and taking into account nearby street lighting columns.
9. Secondly, the proposal would be visible from the windows of some dwellings that face Oakfield Road broadly opposite the site. From the upper front windows of 167 and 169 Oakfield Road in particular, the frequently changing and illuminated display would be highly conspicuous given that views from these properties would be almost direct and at close range. As a result, the proposal would be materially harmful to the visual amenity of these occupiers.
10. I acknowledge that the proposed display would be similar to its counterpart that was approved in 2017. The Council advises that there has been a change in circumstances since that decision because housing opposite the site has been introduced in the interim. The appellant contests this point and says that the occupiers of these houses would have had a clear view of the previous digital display and so their outlook would not change if the proposal were to come forward. Either way, having stood in front of Nos 167 and 169 in particular during daylight and at dusk, I am in little doubt that the new advertisement would be an overly strident feature in the street scene and visually intrusive to the occupiers of some nearby residential properties. On that basis, I reach a different conclusion on the effects of the proposal to that of the Council in their assessment of a similar scheme in 2017.
11. The appellant has indicated that the brightness of the proposal would be controlled, with the level of illumination set below the threshold suggested by the Institute of Lighting Professionals for the hours of darkness. Additionally, the appellant has suggested that the sign could be switched off between 2300hrs and 0600hrs. These restrictions did not appear to apply to the previously approved display and could be covered by conditions. However, this arrangement would not overcome my concerns regarding the undue prominence of the proposal and the harm caused to the amenity of the area and to local residents outside of these times.
12. I understand that planning permission has been granted for the use of the appeal property as a hotel. According to the appellant, the hotel was designed with the previously consented advertisement display in mind. An extract from an approved plan has been provided, which shows a rectangle on the sidewall of the building facing Oakfield Road. However, this rectangle is narrower, shorter and smaller than the previous or the proposed displays and so it is not directly comparable with them. Furthermore, there is nothing before me to

indicate that in determining the hotel application, the Council found the display of an advertisement of the type and size now proposed to be acceptable.

13. Reference is made to other digital displays in Liverpool notably at Rice Lane, Prescott Road and Pembroke Place, which the appellant considers to be similar to the appeal scheme. While I carefully considered the summary details provided of these existing advertisements, all are some distance from the site and their street scene clearly differs to that of the proposal. In any event, each case should be assessed on its own merits, which I have done in this instance.
14. The site is not within a conservation area nor are any other heritage assets affected. The appellant considers there would be some improvement to the appearance of the site over the previous sign through the slimmer profile of the display panel and the use of updated technology. Nevertheless, I conclude on the main issue that the proposal would be detrimental to the interests of amenity for the reasons given.
15. My attention has been drawn to the environmental, social and economic benefits of digital advertising. Insofar as these benefits relate to amenity and public safety, they do not outweigh the identified harm.
16. The Council raises no issue in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Nevertheless, for the reasons given I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR