



Appeal Decision

Site visit made on 26 February 2025

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/W4325/Z/24/3346455

24 Argyle Street, Birkenhead CH41 6AE

- 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 The Capitol Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is ADV/24/00479.
 - The advertisement is a halo-illuminated sign advertising a restaurant and hotel use (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit it was clear that the halo-illuminated sign, which is the subject of this appeal, had been installed. The Council dealt with the application as being retrospective. I have no evidence to suggest that the design and installation of the sign has been otherwise undertaken than in accordance with the submitted plans. I have therefore determined this appeal on the basis of the plans considered by the Council.
3. The Council's Officer Report refers to the emerging Wirral Local Plan 2021 – 2037, which has been submitted for examination. Although the report identifies three policies in the emerging plan that are considered relevant to this proposal (WS 7, RA 4 and WP 2.1), I have no evidence of the content of these policies nor any explanation of how they may be relevant to the appeal proposal. The Council's reason for the refusal of consent for the display of the sign did not make any reference to policies contained within the emerging plan. Furthermore, neither party has made any reference to these emerging policies as part of the evidence submitted in this appeal. In the absence of any evidence regarding the relevance of the emerging policies, I have attached limited weight to them in my determination of this appeal.

Main Issue

4. The Council has not raised an objection to the sign in public safety terms, and I have no reason to disagree with this view.
5. Therefore, the main issue is the effect on amenity, including the character, appearance and significance of the Hamilton Square Conservation Area and the setting of nearby Listed Buildings.

Reasons

6. The appeal property comprises a three-storey mid terrace building in use as a restaurant on the ground floor with hotel rooms on the first and second floors. The immediate surrounding area comprises properties predominantly in commercial use.
7. The appeal property is located within the Hamilton Square Conservation Area (HSCA) and immediately to the south of an adjoining Grade II Listed Building (No. 22 Argyle Street). The HSCA is a distinct urban area in Birkenhead, located to the northeast of the town centre and is centred on Hamilton Square. It contains Grade I Listed three storey terrace blocks with basement and attic constructed in the 19th century that are predominantly symmetrically designed and positioned parallel to the Square. A number of other Grade II Listed Buildings are located to the southwest of the appeal property. This part of Argyle Street makes an important contribution to the approach to Hamilton Square which is the focal point of the HSCA and provides vistas of the Square. It is part of the visual envelope of the Square and is an important component part of how the HSCA is viewed and appreciated.
8. The Appellant's Planning and Heritage Statement suggests that the halo illumination has been left switched off since an awareness was gained that advertisement consent would be necessary. However, the illumination was switched on at the time of my evening site visit. Consequently, I was able to observe the visual effect of the sign on the amenity of the surrounding area.
9. Illuminated signs are not prevalent on this part of Argyle Street. Although there are several in the vicinity of the appeal property, notably at the Istanbul Restaurant (No. 36 Argyle Street) and the Sawasdee Restaurant (No. 38), these are externally illuminated signs and are relatively subtle in the degree of illumination provided. Consequently, these signs do not appear as being overly prominent or detracting features within the street scene.
10. Although not overly large in the street scene, by contrast, the appeal sign's internal halo illumination makes it a garish and more prominent feature during darkness. The degree of illuminance has the effect, perhaps understandably giving its purpose, of drawing the eye. It unacceptably detracts from the views of the HSCA and the setting of the nearby Listed Buildings with the sign itself becoming a significant prominent and competing feature in the area, particularly in circumstances where there are no other signs in the vicinity with such illumination method or degree of illuminance. Overall, the sign fails to preserve the setting of the nearby Listed Buildings and fails to preserve the character and appearance of the HSCA.
11. The Supplementary Planning Guidance Note 43 – Shop Front Design (SPG) provides guidance on the Council's approach to good practice in the design of shop fronts and is specifically aimed at shops in older traditional shopping streets. Notwithstanding the age of the SPG, I have no compelling evidence to suggest that its provisions have been superseded and, in my view, its content remains of relevance to the consideration of proposals for signage on the shop fronts on Argyle Street. Accordingly, I have afforded medium weight to the SPG.
12. Paragraph 3.9 of the SPG advises that illumination, if necessary, should be provided with discrete spotlights positioned above the fascia board. It further

advises that internally illuminated letters, halo-lit perspex letters and fluorescent tube lighting should be avoided. The halo-illuminated sign in this appeal is in clear conflict with the provisions of the SPG.

13. I have taken into account the Appellant's contention that there has been a long history of illuminated signs in the Argyle Street area which have contributed to an understanding of the cultural history of this part of Birkenhead. However, I am not persuaded by this argument, particularly as the HSCA now contains relatively few illuminated signs. This alleged historical presence of halo-illuminated signs does not justify the harm caused to the HSCA by the appeal sign, particularly in the locational circumstances of the appeal property within the HSCA where a careful approach to signage is necessary, especially where the setting of Listed Buildings is also involved.
14. Taking the above factors into account, the advertisement sign has an adverse visual impact on the historic character and appearance of both the setting of the Listed Buildings and the HSCA. Consequently, the appeal signage conflicts with Saved Policies CH01, CH1, CH2 and CH5 of the Wirral Unitary Development Plan 2000. These policies collectively seek to ensure the continued conservation and enhancement of the Borough's distinct, heritage assets and historic environment.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR