



Appeal Decision

Site visit made on 5 March 2025

by Susan Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/Z4310/Z/24/3357487

Advertising Right, Botanic Road, Liverpool, L7 5PX

- 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/2085.
 - The advertisement proposed is 1no. 48-sheet billboard advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address cited on the application form is as set out in the header above. The site was known, in previous appeal decisions¹, as the former Botanic Public House / Hotel, 1 Botanic Road or 231 Wavertree Road.

Main Issue

3. The main issue is the impact of the advertisement on the visual amenity of the surrounding area.

Reasons

4. The appeal site is a vacant area of land located on the corner of Botanic Road and Wavertree Road. It is bounded by a brick wall to its western boundary and fencing, partly broken down at the time of my visit, along its southern and eastern boundaries. A three-storey gable wall, displaying the remains of interior features of the former pub building, forms the northern boundary.
5. The surrounding area has a mixed character. Along Botanic Road and to the north of Wavertree Road the area is residential with three storey Victorian terraced properties along Botanic Road and more modern two storey dwellings to the west. These modern dwellings are separated from Wavertree Road by a grassy mound containing trees. This feature provides an attractive area of greenery alongside the main road. The area to the south of Wavertree Road has a commercial character and the immediate vicinity of the site is dominated by a retail park with a large Matalan retail unit directly opposite Botanic Road.
6. The Grade II* listed Wavertree Botanic Garden and Park, dating from the early 19th century, lies opposite the site to the east on Botanic Road. The park provides a

¹ APP/Z4310/H/09/2093884, APP/Z4310/Z/21/3267736 & APP/Z4310/Z/22/3310862

sense of spaciousness and greenery in an otherwise built-up environment. Its mature trees and historic gates and railings, located opposite the site, form an important part of the character of the area.

7. The mature trees close to the entrance of the park are viewed across the site when travelling eastwards along Wavertree Road, creating a visual link between the trees on the grassy mound and the trees within the park. The current open nature of the site, above the existing brick wall, allows the spaciousness and greenery within the park to be seen from a distance along Wavertree Road.
8. The proposed advertising hoarding would be sited along the western site boundary with the display facing west. It would be sited in line with the corner of the brick wall at the back edge of the pavement, and the top of the panel would be some 6.4 metres from the ground. The hoarding would therefore be a tall and prominent structure in the street scene. It would be of a height and size which would interrupt and detract from the views of the mature trees within the park currently gained across the site. It would therefore harm the amenity of the area and the setting of the listed Garden and Park.
9. Signage associated with the retail area is evident on the southern side of Wavertree Road and the large sign on the side of the Matalan retail unit is visible along Botanic Road. However, this signage clearly relates to the retail area. The proposed hoarding would introduce commercial signage to the north of Wavertree Road where there is currently no such signage and where the area has a residential character. In this respect it would appear out of context and harmful to the visual amenity of the area. I note that this was also the conclusion of the Inspectors on the previously mentioned appeals for the same location, albeit that those appeals related to larger illuminated advertisements.
10. I noted that the appeal site is in a poorly maintained state containing overgrown shrubs, broken fencing and signs of fly-tipping and graffiti. This detracts from the appearance of the area generally. The proposal includes a landscaping plan which states that the existing fencing would be maintained and refreshed where required. It also proposes tree planting and screening of the end gable wall on Botanic Road through a mixture of pleached and standard trees. Over time, the standard trees would soften the visual impact of the existing gable wall. However, the pleached trees, which are proposed to be a height of 5m, would be unlikely to make a significant impact in terms of screening compared to the three-storey height of that gable.
11. Whilst the initial landscaping would tidy up the site and improve its appearance in the short term, I am not satisfied that the scheme would be sufficient to maintain the site in the longer term. The maintenance scheme only relates to the maintenance of the trees and weed clearance rather than the maintenance of the wider site and its surrounding fencing. Furthermore, it only relates to the period up to 3 years after planting. Accordingly, I am not satisfied that the proposed landscaping scheme would be sufficient to overcome the harm caused by the proposed hoarding to the visual amenity of the surrounding area in the longer term.

Conclusion

12. I conclude that the proposal would harm the visual amenity of the surrounding area. The Council has drawn my attention to Local Plan policies UD1, relating to

the character of the area, UD9, relating to advertisements and HD1, relating to heritage. Whilst I have taken these into account as material considerations, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

13. For the reasons given above the appeal should be dismissed.

Susan Heywood

INSPECTOR