



Appeal Decision

Site visit made on 25 March 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Z4310/W/24/3354594

Pavement Outside 79 Tithebarn Street, Liverpool L2 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still on behalf of In Focus Public Network Limited against the decision of Liverpool City Council.
 - The application reference is 24F/2268.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator as replacement for an existing telephone kiosk.
-

Appeal Ref: APP/Z4310/H/24/3354597

Pavement Outside 79 Tithebarn Street, Liverpool L2 2ER

- 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 Mr Nathan Still on behalf of In Focus Public Network Limited against the decision of Liverpool City Council.
 - The application reference is 24A/2266
 - The advertisement proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator as replacement for an existing telephone kiosk.
-

Decisions

1. The appeals are dismissed.

Main Issues

2. With regard to the planning appeal the main issues are the effect on the character and appearance of the area; and the safety of pedestrians. With regard to the advertisement appeal, the main issues are the effect on visual amenity and public safety.

Reasons

3. The planning appeal relates to a proposal that would result in a communication hub that would offer free calls to landlines, free Wi-Fi, interactive wayfinding, direct access to local webpages, a 24/7 publicly accessible defibrillator and device charging. The structure would also include an advertisement screen on the reverse of the unit which is the subject of the advertisement appeal. The unit would be free standing and located close to the carriageway of the road, within this wide area of pavement. The proposal would also result in the removal of the existing telephone kiosk which is set away from the road carriageway and close to the adjacent building.

4. The position of the proposed structure would result in it being extremely prominent in views along Tithebarn Street for both pedestrians and motorists. It would appear as an isolated modern addition to the street scene. Whilst there are commercial properties in the vicinity with associated advertising, these advertisements are generally closely related to the businesses that they serve. This is not an area with general advertising and the existing kiosk departs from this wider character, albeit that it is set close to the building and therefore has a much lesser prominence. The free standing advertising element in particular, but also the structure overall, would detract from the character and appearance of the area and result in harm to visual amenity, particularly when approaching from the southwest. The other side of the structure would be less intrusive but would nevertheless add to the infrastructure located within the pavement and would not be a positive feature within the street scene.
5. Although concerns have been raised with regard to the potential for the structure to cause issues for pedestrians, this is a wide area of pavement. It would add to the other features within the pavement, but it would not unacceptably reduce the potential for pedestrians to move freely. It may add to concerns for pedestrians with impaired vision but given the width of the pavement and the other scattered pieces of infrastructure, particularly close to the highway, I am not satisfied that this would materially alter safety concerns.
6. With regard to the planning appeal, there would be no material harm to pedestrian safety or movement and therefore no conflict with policies TP1 or TP6 of the Liverpool Local Plan 2022 (LP). Policies UD1, TP3 and TP8 are not relevant to this proposal and I have found no conflict with the details set out in the council's undated Supplementary Planning Document: Design for Access for All.
7. Whilst the removal of the existing kiosk would reduce the level of pavement clutter and be a positive matter on its own with regard to the appearance of the street, that kiosk is of limited prominence compared to the proposed new structure. Its removal would not therefore sufficiently reduce the harm from the proposed new structure to an acceptable level. As the proposal would result in unacceptable harm to the character and appearance of the area and would not have a positive impact on the public realm, it would be contrary to LP policies SP3(1)(a) and UD9(a).
8. With regard to the advertisement appeal, the proposal would result in harm to visual amenity but would not result in harm with regard to public safety. It would conflict with LP policies SP3(1)(a) and UD9(a) but the Regulations, the National Planning Policy Framework 2024 and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. I have taken them into account as material considerations.
9. The proposal would result in a number of benefits associated with improved communication and the provision of a defibrillator. Whilst I note the council's concerns regarding the level of communication benefits, it would bring some benefits and gain some support from LP policy STP4 and the Framework. Although I note the availability of other defibrillators locally, this additional device would offer further benefits given the need for timeliness when required. I afford considerable weight to these benefits although I am unclear why these could not be provided in a similar but less intrusive location. In any event however, given the scale of visual harm, I am not satisfied that the benefits are sufficient, in these

particular circumstances, to outweigh the harm that would result. I have had regard to the potential for conditions that could control the operation of the kiosk and the details of the display, but these would not significantly reduce my concerns. I therefore dismiss both appeals.

Peter Eggleton

INSPECTOR