



Appeal Decision

Site visit made on 25 November 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/W4325/Z/25/3374954

90 Claughton Road, Birkenhead CH41 6ES

- 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 Wirral Metropolitan Borough Council.
 - The application Ref is ADV/25/01170.
 - The advertisement proposed is a replacement D48 Display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the replacement D48 Display at 90 Claughton Road, Birkenhead CH41 6ES in accordance with the terms of the application, Ref ADV/25/01170, dated 27 July 2025. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The advertisement hereby permitted shall not be carried out other than in complete accordance with the approved plans: 21972 | PA | 01; 21972 | PA | 02; 21972 | PA | 03 and 21972 | PA | 04.
 - 2) The existing advertising material shall be removed from the building before the display to which this consent relates is installed.
 - 3) The illumination of the display hereby permitted shall be non-intermittent and shall not exceed a luminosity of 300cd/sqm at night (dusk till dawn) set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m2.
 - 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m2.

- 5) Advertisements to change no more frequently than once every 10 seconds and there shall be no greater than 1 second changes between adverts with no fading, swiping or merging images. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 6) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
- 7) The advertisement shall not include features which would result in interactive messages / advertisements being displayed and no images being displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the Council has referred to the development plan policies which it considers relevant to this appeal they cannot, by themselves, be decisive but they are a material consideration in the determination of this appeal.
3. The address of the appeal property is adopted from the appeal form because this reflect what is shown on the Location Plan and because 90A Claughton Road is the address of the first floor flat.

Main Issues

4. It is considered that the main issues are the effects of the proposed advertisement on visual amenity and public safety. The council's concerns related to the living conditions of the occupiers of 90A Claughton Road do not fall within what is usually considered to be matters related to public safety and visual amenity. Accordingly, a separate assessment has been undertaken.

Reasons

Visual Amenity

5. The appeal scheme would replace an existing billboard which is externally illuminated by a trough light and is situated adjacent to the junction of Claughton Road and Hemingford Street. This billboard is sited at a low level on the side elevation of a 2-storey property with commercial use at ground floor. The property is situated in a mixed-use area being part of the transition from the main commercial area of Birkenhead to the surrounding residential area. Although Hemingford Street was closed to traffic at the time of the site visit, there was a high level of activity associated with vehicles and pedestrians travelling between the commercial and residential areas.
6. The roads adjacent to the appeal site are lit by streetlighting. No digital advertisements within the immediate area around the property were observed during the site visit but there are other signs and advertisements some of which are illuminated.
7. The proposed illuminated advertisement would comprise a LED display screen of a similar size to the billboard where the images would change at frequent intervals.

There would be a distinct difference between the character and appearance of a static billboard with trough lighting and a similar sized LED display screen. However, this does not, on its own, result in unacceptable harm to the visual amenity of the streetscene and the surrounding area.

8. The principle of an advertisement of a similar size erected at the appeal site which is located within this mixed-use area has been established by the existing billboard. Similarly, the principle of an illuminated advertisement has been established. The proposed advertisement would be appropriate in this location and, as a matter of principle, would not materially alter the visual amenity of this mixed-use area.
9. Although the nature of the display would be different, and as identified by the appellant, the level of illuminance of the LED screen could be controlled by a suitable condition so that it would accord with the guidance of Institution of the Lighting Professionals and, as such, it would not appear excessively bright whether during the daytime or nighttime periods. The frequency and nature of the change of the displayed advertisement, together with limitations on matters such as animation, could be controlled by suitable conditions.
10. Subject to appropriate conditions, it is concluded that the proposed development would not cause unacceptable harm to visual amenity and it would also not conflict with Policies WS4, WS6, WS7 and WD23 of the Wirral Local Plan (LP) which include generic criteria to secure high quality design appropriate for its location. LP Policy WD10 concerns development in residential areas and, as such, is not considered to be directly applicable to this edge of centre location.

Public Safety

11. As identified, the appeal site is situated adjacent to a roundabout junction. Although Hemingford Street was not open, the traffic was not travelling at high speed when approaching the junction but slowed down to negotiate the roundabout.
12. No specific evidence has been provided by the council which demonstrates that there are particular highway safety concerns associated with the junction, including the existing illuminated billboard being a distraction to drivers. The appellant has provided some evidence that digital advertisements of the type proposed have not caused an increase in there being a danger to the safety of other highway users. There appears to be differences in the siting of these digital advertisements when compared to the appeal scheme and, as such, only moderate weight is given to this evidence. However, this is the only evidence which has been provided concerning public safety matters.
13. The Highways Officers objection to the proposed advertisement was primarily related to illuminance levels during the daytime which might distract drivers approaching the junction. However, the proposed illuminance levels of the advertisement during the daytime and nighttime could be suitably controlled by condition. Overall, and subject to not including content mimicking highway or traffic signs, the proposed advertisement would not be so distracting or so confusing that it creates a hazard for, or endangers, drivers who are taking reasonable care for their own and others' safety.

14. Subject to appropriate conditions, it is concluded that the proposed development would not cause unacceptable harm to public safety, and it would also not conflict with LP Policy WS9 because it would not create a hazardous highway condition.

Other Matters

15. There is a habitable room window at first floor level above the trough light of the existing advertisement. This habitable room is associated with 90A Cloughton Road which is residential accommodation above the ground floor commercial use. There is no specific evidence provided by either party concerning the degree, if any, of spillage from this trough light at nighttime and how this may affect the living standards of the occupiers of the residential accommodation.
16. As identified by the council, unlike the existing billboard the proposed digital display would change at frequent intervals rather than being a static form of lighting associated with the trough light. This light would be removed but the proposed advertisement LED display would face towards the road rather than directly shine into the habitable room via the window. Further, there would be the ability to impose a condition limiting the degree of illuminance at nighttime. When these matters are taken together, it is judged that the illuminance of the proposed advertisement would be unlikely to have a greater effect on the occupiers of the neighbouring residential accommodation when compared to the current situation.
17. Accordingly, it is concluded that the proposed advertisement would not cause unacceptable harm to the living standards of the occupiers of 90A Cloughton Road and, as such, there would not be a conflict with LP Policy WD23 concerning development being harmonious with neighbouring uses and avoiding nuisance.

Conditions

18. In addition to the five standard conditions, other conditions have been suggested by the appellant to control the illuminance, how the displays change and general content of the proposed advertisement, including not replicating highway or traffic signs. The conditions suggested by the appellant are considered to be necessary and accord with both the tests contained in the National Planning Policy Framework and best practice. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR