



Appeal Decision

Site visit made on 24 November 2025

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/W4325/Z/25/3374385

Corner of Duke Street and Beckwith Street, Gillbrook, Birkenhead, CH41 8BB

- 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 Network Rail against the decision of Wirral Council.
 - The application Ref is ADV/25/00948.
 - The advertisement proposed is a digital advertisement screen.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the occupants of nearby residential property; and the effect on highway safety.

Reasons

Amenity

3. The appeal site is located on the corner of Duke Street (A5027) and Beckwith Street. It is a relatively busy area, being part of a cross roads with significant traffic flows, particularly along Duke Street. The area is mixed in terms of land uses, but blocks of residential flats are located opposite the site, on both Duke street and Beckwith Street.
4. Advertisement consent for a digital advertisement screen was previously granted by the Council in May 2022 (ADV/22/00537). Consequently, the principle of a screen on the site has been established and the screen itself has been erected. However, the earlier consent included the following condition: "The levels of the illuminance shall not exceed 600cd/m² during daylight hours or exceed 300cd/m² during twilight and night hours; as defined by official lighting up times." The appellant contends that the levels of illuminance specified in the earlier consent is too low and that images would not display clearly during daylight hours, unless a higher level of up to 3,000cd/m² is allowed. A lower level of 300cd/m² is still proposed during hours of darkness.
5. The Council considers that the higher level of illuminance would be detrimental to the amenities of the occupants of the flats that face the site, by introducing glare from the display. It refers to a conflict with Policies WS 6 and WD 23 of the Wirral Local Plan. Policy WD 23 states (amongst other things) that proposals should avoid unacceptable nuisance to neighbouring uses. Whilst Development Plan

policies are not necessarily determinative in relation to applications for advertisement consent, they provide a context and understanding of the Council's reasoning.

6. Although the occupants of some of the nearby flats would face the appeal site, I am not persuaded that any impacts would be unacceptably harmful, given the urban character of the area, particularly as the lower illuminance level of 300cd/m² would apply during the hours of darkness. I also note that the screen could be controlled by timers and sensors and that no moving images would be displayed.

Highway Safety

7. An objection has been raised by The Council's Traffic and Transport Division, expressing concern that the increased level of illumination could be a distraction to drivers using, what the Council considers to be, a complex junction. The Council refers to a conflict with Policy WS 9 of the LP, which (amongst other things) generally seeks to promote and ensure highway safety.
8. The appellant disagrees and states that the junction is not complex and that controls relating to levels of illumination, timers, sensors and non-moving images would ensure that safety is not compromised. It is also pointed out that there are examples of similar adverts at road junctions elsewhere.
9. On this issue, I share the concerns of the Council. During my site visit, I observed vehicle, pedestrian and cycle movements around the junction, all of which require individuals to be focussed on the roads and other users. Although consent already exists for an advertisement display and the Council did not object in 2022, I consider that the increase in illumination levels would be likely to cause a distraction and thereby, increase the risks to drivers, pedestrians and cyclists, notwithstanding the controls that could be imposed by conditions.

Conclusions

10. For the reasons given above in relation to highway safety, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR