

## APPENDIX

**Committee:** PLANNING

**Date Of Meeting:** 7<sup>th</sup> April 2010

**Title of Report:** TOWN AND COUNTRY PLANNING ACT 1990 APPEALS

**Report of:** A Wallis Planning and Economic Regeneration Director  
**Case Officer:** Telephone 0151 934 4616

This report contains	Yes	No
Confidential information		✓
Exempt information by virtue of paragraph(s) ..... of Part 1 of Schedule 12A to the Local Government Act 1972		✓
Is the decision on this report DELEGATED?	✓	

### Purpose of Report:

To advise Members of the current situation with regard to appeals. Attached is a list of new appeals, enforcement appeals, developments on existing appeals and copies of appeal decisions received from the Planning Inspectorate.

### Recommendation(s):

That the contents of this report be noted.

### Corporate Objective Monitoring

Corporate Objective	Impact		
	Positiv e	Neutra l	Negati ve
1 Creating A Learning Community		✓	
2 Creating Safe Communities		✓	
3 Jobs & Prosperity		✓	
4 Improving Health & Well Being		✓	
5 Environmental Sustainability		✓	
6 Creating Inclusive Communities		✓	
7 Improving The Quality Of Council Services & Strengthening Local Democracy		✓	

### Financial Implications

None.

### Departments consulted in the preparation of this Report

None.

### List of Background Papers relied upon in the preparation of this report

Correspondence received from the Planning Inspectorate.

# Appeals Received and Decisions Made

From 27 February 2010 to 23 March 2010

## Decisions

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### Land at junction of Northway / Westway, Maghull

S/2009/0839 - APP/M4320/H/09/2117958

Advertisement Consent to display 1no. externally illuminated sign board on vacant land at the junction of Northway and Westway

**Appeal Type:** Written

**Lodged Date:** 11 December 2009

**Decision:** Dismissed

**Decision Date:** 12 March 2010

## New Appeals

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### 18 Bells Lane, Lydiate

S/2009/0952 - 2123788

Erection of a single storey extension to the side of the dwellinghouse after demolition of the existing garage

**Appeal Type:** Written

**Lodged Date:** 10 March 2010

**Decision:**

**Decision Date:**

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### 40 Waterloo Road, Birkdale, Southport

S/2009/0897 - 2123677

Erection of a single storey extension to the rear of the dwellinghouse after demolition of the existing two storey extension

**Appeal Type:** Written

**Lodged Date:** 04 March 2010

**Decision:**

**Decision Date:**

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### 14 Redhill Drive, Southport

S/2009/1207 - APP/M4320/D/10/2124367

retention of a fence to the front of the dwellinghouse

**Appeal Type:** Written

**Lodged Date:** 16 March 2010

**Decision:**

**Decision Date:**



# Appeal Decision

Site visit made on 1 March 2010

by **Michael R Moffoot** DipTP MRTPI  
DipMgt MCFI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**12 March 2010**

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## Appeal Ref: APP/M4320/H/09/2117958

### Land at junction of Northway and Westway, Maghull, Merseyside

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Joe Philips (Cheshire Racing Ltd.) against the decision of Sefton Metropolitan Borough Council.
- The application Ref. S/2009/0839, dated 29 May 2009, was refused by notice dated 5 November 2009.
- The advertisement proposed is an advance notification sign for businesses in Maghull Town Centre.

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### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is the effect of the proposed sign on the character and appearance of the area.

### Reasons

3. The appeal site comprises an area of vacant land at the busy junction of Northway and Westway close to Maghull Town Centre. The proposed sign would be some 6 metres wide and 2.1 metres high and would be mounted on columns, resulting in an overall height of about 3.3 metres. It would be externally illuminated by 3 light units fixed to the top of the sign. The scheme also includes landscaping around the base.
  4. From most public vantage points, the sign would be observed in the context of fencing, greenery and the adjoining sheltered housing development at Mayhall Court. I consider that due to its size, height and siting, the sign would be a visually assertive and discordant addition to the street scene in this highly prominent location, whilst the illumination would serve to compound its impact during the hours of darkness. Moreover, it would not be in keeping with highway signage in the vicinity as the appellant suggests. The sign would therefore detract from the character and appearance of the area.
  5. I have taken into account the economic benefits of the proposal and the landscaping measures promoted by the appellant, but they do not outweigh my concerns regarding its visual impact, whilst comparison with signage at retail parks is of limited relevance given the proximity of the appeal site to residential rather than commercial development.
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6. Local residents have raised additional concerns. However I am not persuaded that the sign would be a distraction for those driving with due care and attention, and note that the Council did not object on highway safety grounds. Planning Policy Guidance 19: *Outdoor Advertisement Control* advises that the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly, the type of business advertising on the sign is not an issue before me in this appeal.
7. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Michael R Moffoot*

INSPECTOR