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## Appeal Decision

Site visits made on 16 May 2019

**by Nigel McGurk BSc(Hons) MCD MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> May 2019**

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### **Appeal A Ref: APP/Z4310/W/18/3205216**

**Lord Street (Outside Unit 81c Men Kind, No 46 Lord Street),  
Liverpool, L2 6PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0572, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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### **Appeal B Ref: APP/Z4310/H/18/3205221**

**Lord Street (Outside Unit 81c Men Kind, No 46 Lord Street),  
Liverpool, L2 6PB**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0573, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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### **Appeal C Ref: APP/Z4310/W/18/3204931**

**Church Street (Outside No. 48-56 Primark), Liverpool, L1 3AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0654, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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### **Appeal D Ref: APP/Z4310/H/18/3204933**

**Church Street (Outside No. 48-56 Primark), Liverpool, L1 3AY**

- 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.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221; APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147; APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154; APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184; APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

- The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0655, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Appeal E Ref: APP/Z4310/W/18/3205147**  
**Concert Street (Outside No. 48-50 the Crafty Chandler PH),**  
**Liverpool, L1 4AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0591, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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**Appeal F Ref: APP/Z4310/H/18/3205146**  
**Concert Street (Outside No. 48-50 the Crafty Chandler PH),**  
**Liverpool, L1 4AQ**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0592, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Appeal G Ref: APP/Z4310/W/18/3205153**  
**Leece Street (Outside St Luke's Church), Near Junction with Roscoe**  
**Street, Liverpool, L1 2TR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0626, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

**Appeal H Ref: APP/Z4310/H/18/3205154**

**Leece Street (Outside St Luke's Church), Near Junction with Roscoe Street, Liverpool, L1 2TR**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0627, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Appeal I Ref: APP/Z4310/W/18/3205157**

**Church Street (Outside No. 88-94 Lloyds Bank), Liverpool, L1 3HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0645, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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**Appeal J Ref: APP/Z4310/H/18/3205158**

**Church Street (Outside No. 88-94 Lloyds Bank), Liverpool, L1 3HD**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0647, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Appeal K Ref: APP/Z4310/W/18/3205184**

**Mount Pleasant (Outside No. 24-26 Mount Pleasant), Near Junction with Upper Newington, Liverpool, L1 2SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0606, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

**Appeal L Ref: APP/Z4310/H/18/3205185**  
**Mount Pleasant (Outside No. 24-26 Mount Pleasant), Near Junction with**  
**Upper Newington, Liverpool, L1 2SR**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0607, dated 26 February 2018, was refused by notice dated 23 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Appeal M Ref: APP/Z4310/W/18/3205388**  
**Ranelagh Street (Outside No.24 Burger King), Liverpool, L1 1QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18F/0608, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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**Appeal N Ref: APP/Z4310/H/18/3205387**  
**Ranelagh Street (Outside No.24 Burger King), Liverpool, L1 1QE**

- 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 British Telecommunications PLC against the decision of Liverpool City Council.
  - The application Ref 18A/0609, dated 26 February 2018, was refused by notice dated 26 April 2018.
  - The development proposed is two digital LED display screens, one on each side of the InLink.
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**Decisions:**

**Appeal A**

1. The appeal is dismissed.

**Appeal B**

2. The appeal is dismissed.

**Appeal C**

3. The appeal is dismissed.

**Appeal D**

4. The appeal is dismissed.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

### **Appeal E**

5. The appeal is dismissed.

### **Appeal F**

6. The appeal is dismissed.

### **Appeal G**

7. The appeal is dismissed.

### **Appeal H**

8. The appeal is dismissed.

### **Appeal I**

9. The appeal is dismissed.

### **Appeal J**

10. The appeal is dismissed.

### **Appeal K**

11. The appeal is dismissed.

### **Appeal L**

12. The appeal is dismissed.

### **Appeal M**

13. The appeal is dismissed.

### **Appeal N**

14. The appeal is dismissed.

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### **Procedural Matters**

15. Appeals A to N relate to sites that are located within the Buffer Zone of the Liverpool Maritime Mercantile World Heritage Site (WHS). I also note that all of the Appeals A to N relate to sites that are within the setting of at least one Listed Building. In addition, Appeals E, F, G and H relate to sites within the Duke Street Conservation Area.
16. According to statute, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of these areas. National planning policy, as set out in the Framework, states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

17. The proposals include the removal of existing payphones. Whilst this would result in the freeing up of space and the removal of old-fashioned and generally unattractive features, if the payphones are no longer being frequently utilised they could be removed notwithstanding the applications the subject of these appeals. Thus, whilst I have taken into account the fact that the removal of payphones would help to keep street furniture to a minimum and that this is a positive factor, it does not, in any of the cases before me, amount to such a benefit that it outweighs the identified harm arising.

## **Main Issues**

18. In its reasons for refusal for Appeals A to N, the Council draws attention to the location of the appeal sites within the WHS Buffer Zone; and in the case of Appeals E, F, G and H, within the Duke Street Conservation Area; and states that each of the proposals subject to each Appeal would be harmful to visual amenity. It also considers that each proposal would be harmful to the setting of one or more Listed Buildings; and that each of the proposals the subject of Appeals A to N would be harmful to highway and/or pedestrian safety.
19. Taking all matters into account, I consider that the main issues for Appeals A, C, E, G, I, K and M are whether the proposals would preserve or enhance the setting of Listed Buildings; the effect of the proposals on the character and appearance of the WHS Buffer Zone; and the effect of the proposals on highway and/or pedestrian safety. In addition, in respect of appeals E and G, the main issues also include the effect of the proposals on the character and appearance of the Duke Street Conservation Area.
20. For Appeals B, D, F, H, J, L and N, the main issues comprise the effect that the proposed advertisements would have on visual amenity and, thus, the character and appearance of the area, having regard to the WHS Buffer Zone and to the setting of Listed Buildings (and in the case of Appeals F and H, the Duke Street Conservation Area); and the effect that the proposed advertisements would have on public safety, with regards to vehicular and/or pedestrian safety.

## **Reasons**

### *Background*

21. The appeals relate to proposals for the removal of telephone kiosks and their replacement with a freestanding InLink, together with advertisement screens at sites in and around Liverpool city centre.
22. The design of each of the InLinks proposed would be the same, comprising a modern free-standing structure with digital advertising display screens to two sides and a user interface panel to the side. The main casing of the proposed unit would be aluminium and the advertising displays would have front tempered and laminated glass. The proposed interface panels and vent areas would be painted powder-coated aluminium.
23. The dimensions of each Inlink would be around 0.79m wide by 0.28m deep at ground level, and around 0.89m wide by 0.28m deep at the top of the unit.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

Each InLink would reach a height of approximately 2.89m. The proposed advertisements would largely be located within the top half of each InLink.

### *Appeals A and B*

24. The appeal site is located within a largely pedestrianised area of Liverpool city centre, with restricted access to provide for service vehicles. It is situated along the pavement close to Lord Street's junction with St John Street and as such, comprises an extremely busy pedestrian thoroughfare in the heart of Liverpool city centre's shopping area.
25. The appeal site is located within the setting of the Grade II Listed Clarence Building/Marlton Chambers, a four storey high stucco building with a curved corner bay and sash windows; and the Grade II Listed 81-89 Lord Street, a late 19<sup>th</sup> century four storey office block with horizontal bands of red and orange stone. However, the presence of very large modern retail stores and tall office blocks, and a plethora of advertisements, combined with the appeal site's distance from these Listed Buildings, means that the proposals would have little if any discernible impact on their setting.
26. The site lies outside the WHS but within the WHS Buffer Zone, which provides a visual setting for the WHS and includes some historically significant features and major landmarks. The WHS has Outstanding Universal Value (OUV) because: Liverpool played a leading role in the development of dock construction, port management and international trading systems during the 18<sup>th</sup> and 19<sup>th</sup> centuries; the building and structures of the port and the city are an exceptional testimony to mercantile culture; and Liverpool played a major role in influencing globally significant demographic changes during the 18<sup>th</sup> and 19<sup>th</sup> centuries through its involvement in the trans-Atlantic slave trade and its role as the leading port of mass European emigration to the New World.
27. The principle of new development and the conservation of significant historic buildings in the WHS Buffer Zone is positively encouraged in order to repair the fractured urban landscape and contribute to the social and economic life of the city. Development within the WHS Buffer Zone is required to be sensitive and respond to local character in a manner that preserves or enhances the setting and OUV of the WHS.
28. As well as noticing the appeal site to be situated in an extremely busy location, I also observed the presence of a waste bin, automatic barriers and street signs within very close proximity of it. I find that the addition of the InLink to this area would serve to visually link these features together such that the character of this part of the street would change from a largely open and spacious pedestrian area, to one that would appear unduly cluttered by a cluster of street furniture.
29. I find that the harmful impact of the above would be exacerbated as a result of the proposed advertisements, which would serve to draw attention to themselves, as large, eye-catching features. Further, I consider that the proposed development of the InLink in this part of Lord Street would introduce a tall and relatively wide structure, where no such feature exists. As such, it would appear incongruous in its surroundings.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

30. The proposal would also result in the creation of an obstruction within a busy thoroughfare, close to where automatic barriers provide for service vehicles. I find that this would run the risk of pedestrians needing to step out into an area of the street where service vehicles may be passing, whilst at the same time, the proposed advertisements would present a potential distraction to both drivers and pedestrians. The combined impact of these factors would, I find, be harmful to highway safety.
31. Taking the above into account, I find that the proposed InLink would harm the character and appearance of the area and that it would fail to preserve the WHS Buffer Zone. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>1</sup> Policies HD5, HD18 and HD27, which together amongst other things, seek to protect local character. The proposed development would also harm highway safety, contrary to the NPPF and to UDP Policies HD19, GEN6, GEN9, T8 and T9, which together amongst other things, seek to protect highway users from harm.
32. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage assets identified.
33. The proposed advertisements would harm visual amenity having regard to the WHS Buffer Zone; and would harm public safety, having regard to the safety of pedestrians.
34. Taking the above into account, Appeals A and B are dismissed.

#### *Appeals C and D*

35. The appeal site is located along Church Street, a major shopping street in Liverpool city centre, within a largely pedestrianised area, with restricted access to provide for service vehicles.
36. The site lies within the WHS Buffer Zone and is also opposite, and within the setting of, the Grade II Listed Compton House, a highly detailed four storey stone-built department store dating from 1865-67, complete with octagonal turrets, decorated pediments and rich balconies. During my site visit, I noted that other attractive historic buildings are also visible along Church Street from the site.
37. Also during my site visit, I observed the appeal site to be located within a highly attractive, largely pedestrianised area, characterised by the presence of wide open spaces, carefully maintained street trees and low benches. Further, occasional payphones, waste bins and bollards appear as modest features that do not detract from the well-paved street.
38. By way of contrast, the proposed InLink, would grab attention, due to its height, width and design. The harmful impact of this would be exacerbated as a

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<sup>1</sup> The City of Liverpool Unitary Development Plan (2002).

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

result of the striking appearance of the proposed advertisements, leading the structure to impose itself as an unduly dominant and intrusive feature within an area characterised by soft landscaping and modest street furniture.

39. Consequently, the proposals would harm the setting of Compton House, a Grade II Listed Building and would fail to preserve the character of the WHS Buffer Zone. This would be contrary to the NPPF and to UDP<sup>2</sup> Policies HD5, HD18 and HD27, which together amongst other things, seek to protect local character.
40. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the identified harm to heritage assets.
41. The proposed advertisements would harm visual amenity, having regard to the WHS Buffer Zone and the setting of a Grade II Listed Building.
42. For the reasons given above, Appeals C and D are dismissed.

#### *Appeals E and F*

43. The appeal site is located along the pavement where Wood Street meets Concert Street in Liverpool city centre. Wood Street in this location is a narrow cobbled lane with paved footways to either side.
44. The site is located within the Duke Street Conservation Area (DSCA), characterised in this location by the presence of significant merchant buildings, including warehouses and offices. Many grand old merchant buildings can be seen from the site, which is adjacent to Concert Square, which itself provides a spacious setting for the historical buildings around it. The site also falls within the WHS Buffer Zone and is within the immediate setting of Marlborough House, No 52 Bold Street, a Grade II Listed early 19<sup>th</sup> Century former concert hall, remodelled in 1853. Marlborough house is two storeys tall with an attic. It has a richly carved frieze and the Concert Street façade has round arches on the ground floor with mask keystones and first floor windows with dentilled cornice and round pediments with carved tympana and flat balustrading below sills.
45. During my site visit, I observed the appeal site to be located within an open stretch of pavement adjoining a pedestrianised area, largely characterised by its spaciousness and by the presence of attractive street trees. Other than low bollards, the absence of street furniture in the area surrounding the appeal site contributes to the DSCA's sense of spaciousness, to the benefit of the appearance of the adjacent Listed Building and other historic buildings in the vicinity.
46. Taking the above into account, I consider that the proposed InLink would introduce an alien and incongruous structure into a location where no such

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<sup>2</sup> The City of Liverpool Unitary Development Plan (2002).

feature exists. This would detract significantly from the spacious and uncluttered character of this part of Wood Street. The harm arising would also be exacerbated as a result of the proposed advertisements, which would draw attention to themselves as eye-grabbing features, leading the structure as a whole to unduly dominate its surroundings.

47. Further to the above, the proposal would introduce an obstruction along the pavement at the junction of Wood Street and Concert Street. The large number of pubs, bars and venues in this area means that it is likely to be busy at various times of day and night. The introduction of an obstacle to the pavement in this location increases the prospect of pedestrians needing to step out into the road to avoid one another and I find that this introduces a risk of harm in respect of highway safety. Also, I consider that the proposed advertisements run the risk of distracting the drivers of vehicles travelling along Wood Street within a location where pedestrians might be expected to be going about their business at all hours.
48. Taking all of the above into account, I find that the proposed InLink would harm the character and appearance of the DSCA and the WHS Buffer Zone and that it would harm the setting of Marlborough House, a Grade II Listed Building. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>3</sup> Policies HD5, HD14, HD18 and HD27, which together amongst other things, seek to protect local character. It would also harm highway safety, contrary to the NPPF and to UDP Policies HD19, GEN6, GEN9, T8 and T9, which together amongst other things, seek to protect highway users from harm.
49. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage assets identified.
50. The proposed advertisements would harm visual amenity, having regard to the DSCA, the setting of a Listed Building and the WHS Buffer Zone; and would harm public safety, having regard to pedestrian safety.
51. Given the above, Appeals E and F are dismissed.

#### *Appeals G and H*

52. The appeal site is located within a wide area of pavement along Leece Street, close to its junction with Roscoe Street. It is within a mixed use area on the edge of Liverpool city centre.
53. The site is located within the Duke Street Conservation Area (DSCA), characterised in this location by the presence of landmark buildings alongside a wide, open and spacious street. The site falls within the WHS Buffer Zone and is immediately adjacent to, and within the setting of, the Grade II\* Listed

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<sup>3</sup> The City of Liverpool Unitary Development Plan (2002).

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

Church of St Luke, an ashlar sandstone Perpendicular Gothic style church with railings and ornamental stone piers, including one very close to the appeal site.

54. During my site visit, I observed the Grade II\* Listed church to be set back from the road, behind its railings and piers and I noted that the width of the pavement around the appeal site makes a significant contribution towards the spacious setting of the church and its railings.
55. I also noted during my site visit that the appeal site is close to a lamp-post, street signs and a waste bin, with a bus stop also relatively nearby. I find that the addition of the proposed InLink in this location would serve to visually link all of these features and result in a pavement that would appear unduly cluttered. This would detract severely from the notably spacious setting of the Grade II\* Listed Building.
56. The harmful impact of the above would be exacerbated as a result of the proposed advertisements, which would serve to draw attention to themselves and the InLink as an incongruous feature, comprising modern materials, out of keeping with the historic railings and ornate stone piers adjoining the pavement in this location.
57. Further to the above, whilst the width of the pavement would mean that the proposals would not unduly restrict pedestrian movement, I find that the proposed InLink and advertisements would serve to distract drivers as they pass along Leece Street towards Liverpool. This runs the risk of taking drivers' attention away from the highway close to a junction, a bus stop and a taxi halt, before reaching traffic lights towards the foot of the hill within this busy edge of city centre location and comprises a significant risk to highway safety.
58. Taking the above into account, I find that the proposed InLink would harm the character and appearance of the DSCA and the WHS Buffer Zone and that it would harm the setting of the Church of St Luke, a Grade II\* Listed Building. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>4</sup> Policies HD5, HD14, HD18 and HD27, which together amongst other things, seek to protect local character. It would also harm highway safety, contrary to the NPPF and to UDP Policies HD19, GEN6, GEN9, T8 and T9, which together amongst other things, seek to protect highway users from harm.
59. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage assets identified.
60. The proposed advertisements would harm visual amenity, having regard to the DSCA, the setting of a Listed Building and the WHS Buffer Zone; and would harm public safety, having regard to pedestrian safety.
61. Appeals G and H are therefore dismissed.

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<sup>4</sup> The City of Liverpool Unitary Development Plan (2002).

### *Appeals I and J*

62. The appeal site is located along Church Street, close to its junction with Hanover Street, within a largely pedestrianised area, with restricted access to provide for service vehicles. This part of Church Street comprises part of Liverpool city centre's main shopping area and is a busy pedestrian thoroughfare.
63. The site is located within the WHS Buffer Zone and whilst the Grade II\* Listed Lyceum appears visible within the wider setting of the site, it is some distance away and is separated by a range of features, including traffic lights, trees and street furniture. Consequently, the proposal would have little, if any bearing upon the setting of the Lyceum.
64. During my site visit, I observed the appeal site to be located within an attractive, modernised, wide, open and spacious stretch of pavement. This provides an attractive setting for the tall buildings around, many of which comprise period properties with grand facades to upper floors.
65. I also noted, during my site visit, that in the wider area around the appeal site, there are street trees, low benches, bicycle racks and three flagpoles with advertisements attached. These features appear well spaced out and are not especially imposing. Most notably, the street trees and low benches provide for pleasant, unobtrusive sitting areas and make a positive contribution to the overall appearance of Church Street.
66. The proposed InLink would be situated within an open and spacious area of paving, where no such structure exists. As such, I find that it would detract from the openness and spaciousness of the area. Furthermore, neither the InLink nor the proposed advertisements would share any common characteristics with the existing street features identified and this would serve to exacerbate the harm arising as a result of the incongruous appearance of the proposals.
67. In addition, the proposed advertisements would combine with the InLink to result in the proposals drawing attention to themselves as obtrusive, dominant features. This would contrast negatively with the soft landscaping afforded by the street trees and the modest appearance of the low benches.
68. The wide, open and spacious nature of Church Street in this location means that the proposed InLink would be unlikely to obstruct pedestrian movements and I find that the largely pedestrianised nature of the street in this particular location means that there would be no significant harm to highway safety. However, the absence of harm in respect of pedestrian and highway safety is not a factor which mitigates the harm identified above.
69. Taking all of the above into account, I find that the proposed InLink would harm the character and appearance of the WHS Buffer Zone. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>5</sup> Policies HD18 and HD27, which together amongst other things, seek to protect local character.

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<sup>5</sup> The City of Liverpool Unitary Development Plan (2002).

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

70. The harm arising would be localised and in respect of the significance of the heritage asset as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage asset identified.
71. The proposed advertisements would harm visual amenity, having regard to the WHS Buffer Zone.
72. Consequently, Appeals I and J are dismissed.

#### *Appeals K and L*

73. The appeal site is located along the pavement close to where Mount Pleasant meets Upper Newington in a mixed use area of Liverpool city centre. Mount Pleasant in this location is busy with both pedestrian movements and vehicular traffic.
74. The site is located within the WHS Buffer Zone and as one approaches and travels past the site towards Liverpool city centre, part of the Grade II Listed seven storey, Portland stone-built Adelphi Hotel, is clearly visible, providing for an early glimpse of this landmark building complete with giant Ionic columns and Greek details.
75. During my site visit, I observed the appeal site to be located within an uncluttered and open stretch of pavement between a lamp post, a road sign and a bus stop. As such, I find the addition of an InLink in this area would serve to create a visual tie between these features, resulting in what is currently a fairly spacious area of pavement becoming unduly cluttered in appearance. Such a cluttered effect arising would detract from the otherwise significant sense of arrival as one approaches the Grade II Listed Adelphi Hotel.
76. Further to the above, I find that the proposed advertisements, combined with the tall height of the InLink, would draw the eye, leading the proposals to appear visually dominant. This would serve to add to the harm to the setting of the Adelphi Hotel.
77. The proposed InLink and advertisements would be located towards the outer edge of the pavement, very close to the road. I consider that this would lead the proposals to distract the attention of the drivers of vehicles along Mount Pleasant. Mount Pleasant in this location connects Liverpool's main shopping area with Universities and is very busy. This factor, along with the nearby presence of a bus stop, a road junction and the entrance to a large multi-storey car park means that the additional distraction of digital advertisement screens in the immediate area poses a significant risk to road users.
78. I also note that the proposed InLink would introduce an obstruction along the pavement. Whilst the pavement is relatively wide in this location, I find that, in this busy part of Mount Pleasant, there is a small risk that the proposed InLink could serve to reduce visibility, or lead pedestrians to step out into the road to avoid one another and this is something that adds weight to my decisions below.

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

79. Taking all of the above into account, I find that the proposed InLink would harm the character and appearance of the WHS Buffer Zone and that it would harm the setting of a Grade II Listed Building. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>6</sup> Policies HD5, HD18 and HD27, which together amongst other things, seek to protect local character. It would also harm highway safety, contrary to the NPPF and to UDP Policies HD19, GEN6, GEN9, T8 and T9, which together amongst other things, seek to protect the safety of road users.
80. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage assets identified.
81. The proposed advertisements would harm visual amenity, having regard to the setting of a Listed Building and the WHS Buffer Zone; and would harm public safety, having regard to pedestrian safety.
82. Appeals K and L are dismissed.

#### *Appeals M and N*

83. The appeal site is located along Ranelagh Street within a wide area of pavement very close to the Grade II\* Listed Lyceum in Liverpool city centre.
84. The site is located within the WHS Buffer Zone and is within the immediate setting of the Lyceum, a Grade II\* Listed ashlar stone-built classical building with a continuous base, frieze, cornice and parapet, with Ionic and Doric columns. The appeal site is situated in an open area of paving which adjoins another open area, which itself, directly fronts the Lyceum.
85. During my site visit, I observed that, other than the presence of payphones, which whilst not attractive features do not appear visually dominant or strident, street furniture around the appeal site tends to be limited to low level bollards, bicycle racks, lamp posts and the occasional waste bin. As a consequence, it is surrounding buildings – and most notably, the Lyceum – which appear visually dominant within the wider area.
86. The proposed InLink would be located within an open area of pavement where no physical structure exists and I find that its height, width and form would lead it to appear as an incongruous feature in this immediate location. The harm arising from this would be exacerbated as a result of the InLink appearing out of keeping with the less prominent, low level and modest street furniture present within the surrounding area; and by the proposed advertisements, which would draw attention to themselves and in so doing, would result in the proposed structure as a whole appearing to unduly dominate its surroundings.

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<sup>6</sup> The City of Liverpool Unitary Development Plan (2002).

Appeal Decisions APP/Z4310/W/18/3205216; APP/Z4310/W/18/3205221;  
APP/Z4310/W/18/3204931; APP/Z4310/W/18/3204933; APP/Z4310/W/18/3205147;  
APP/Z4310/W/18/3205146; APP/Z4310/W/18/3205153; APP/Z4310/W/18/3205154;  
APP/Z4310/W/18/3205157; APP/Z4310/W/18/3205158; APP/Z4310/W/18/3205184;  
APP/Z4310/W/18/3205185; APP/Z4310/W/18/3205388; APP/Z4310/W/18/3205387.

87. I find that the visually dominant appearance of the proposed InLink and the advertisements would grab attention away from the Lyceum, to the harm of the Listed Building's setting.
88. Further to the above, the proposal would introduce an obstruction along the pavement within a very busy part of Liverpool city centre. Whilst the pavement is wide in this location, I find that the presence of an obstruction adjacent to parking bays alongside Ranelagh Street would serve to reduce overall visibility for highway users within close proximity to a busy, signal-controlled pedestrian crossing. It would result in the potential for pedestrians to step out unseen onto Ranelagh Street in a busy location where there are multiple reasons for pedestrians to seek to cross the road and this is a factor that adds weight to my decisions below.
89. Taking all of the above into account, I find that the proposed InLink would harm the character and appearance of the WHS Buffer Zone and that it would harm the setting of the Lyceum, a Grade II\* Listed Building. This would be contrary to the National Planning Policy Framework (NPPF) and to UDP<sup>7</sup> Policies HD5, HD18 and HD27, which together amongst other things, seek to protect local character. It would also harm highway safety, contrary to the NPPF and to UDP Policies HD19, GEN6, GEN9, T8 and T9, which together amongst other things, seek to protect highway safety.
90. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to InLink for people with limited mobility, including wheelchair users. However, in this case, this does not amount to something that outweighs the harm to heritage assets identified.
91. The proposed advertisements would harm visual amenity, having regard to the the setting of a Listed Building and the WHS Buffer Zone; and would harm public safety, having regard to pedestrian safety.
92. Appeals M and N are dismissed.

## **Conclusions**

93. I conclude that, for the reasons given above and having regard to all matters raised, Appeals A, B, C, D, E, F, G, H, I, J, K, L, M and N should not succeed.

*N McGurk*

INSPECTOR

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<sup>7</sup> The City of Liverpool Unitary Development Plan (2002).