

Appeal Decision

Site visit made on 1 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/B4215/Z/17/3166442

Ritz Dance Hall, Whitworth Street West, Manchester M1 5NQ

- 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 Ms Elaine Owen of New World Payphones against the decision of Manchester City Council.
 - The application Ref 113590/AOH/2016 was refused by notice dated 8 November 2016.
 - The advertisement proposed is an internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mr Matthew Coe on the planning appeal form, whereas the name appearing on the application form is Ms Elaine Owen although both are of the same company. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Ms Elaine Owen is the appellant in this case.
3. My attention has been drawn to a number of previous appeal decisions relating to proposals that are similar to that before me in a different local authority area. While I have taken each of these decisions into account, I have determined this appeal on its own merits.

Main issue

4. The Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

Reasons

5. The proposal is to replace an existing red telephone kiosk with a new modern style black kiosk on the pavement adjacent to a busy road within Manchester City Centre. The new kiosk would stand just outside the Ritz Dance Hall, which is a Grade II listed building, as is the railway viaduct of Oxford Road Station that runs along the opposite side of Whitworth Street West to the site.
 6. The listed building description records that the Ritz Dance Hall is now a rare example of its type and age representing earlier 20th Century popular culture. The building itself has a classically styled brick with white terracotta front
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- elevation and first floor bays arranged symmetrically across the principal façade. The listed building adds to the visual character of the local area.
7. The new kiosk would be traditional in shape with an open front and an internally illuminated digital screen at the rear upon which advertisements would be displayed. It would be located within a commercial section of Whitworth Street West along which signage is both plentiful and varied. The local street scene to which the site belongs also includes street lighting columns, road signs, a bus stop and another telephone kiosk a little further along Whitworth Street West. The context of the site is, therefore, urban and commercial within which roadside advertisements are familiar features.
 8. From just in front of the site, the new display would be seen with the Ritz Dance Hall just beyond. As such, it would form a prominent feature in the setting to this heritage asset. As an entertainment venue of some standing, the Dance Hall and its highway frontage are remarkably restrained with regard to signage. Along the building's front elevation are a small number of poster panels at street level. The name 'O2 Ritz' and horizontal lines are also displayed in white against a blue background on the front canopy. In the absence of any significant visual clutter on and immediately in front of the building from advertisements, the classical style and detailing of the principal façade can be mostly seen and appreciated from the road without distraction.
 9. Other advertisements along the opposite side of Whitworth Street West to the site are generally viewed at an oblique angle on the main approaches and visually separated from the Dance Hall by a wide and busy road. Consequently, there is less inter-visibility between these existing signs, although many are sizeable and prominent in their street scene, and the Dance Hall. In marked contrast, the proposal would stand just in front of it and so the visual impact of the new advertisement would be considerable.
 10. The new display would show illuminated static images potentially with vivid colours that would regularly change. As such, it is more likely to draw the eye than static images on posters as displayed on the front of the Dance Hall and to one side of another kiosk further along the road. These features, in combination, would cause the new display to be highly conspicuous in its immediate context notwithstanding the modest size and low-level position of the proposed screen. When viewed from in front of the site, the new advertisement would have an overly imposing presence that would detract from, and thus fail to preserve, the setting of the Dance Hall. As a result, the significance of this heritage asset and its positive contribution to the visual amenity of the area would be significantly diminished. That the illumination of the advertisement would reflect ambient conditions and limited to a maximum level of brightness would not satisfactorily mitigate its harmful visual impact.
 11. As the new advertisement display would be visually separated from the listed railway viaduct by a wide road, it would have no discernable effect on the setting of this heritage asset. Furthermore, the replacement of the existing kiosk, which contributes little positively to the visual character of the area, with a contemporary structure, as proposed, would improve visual amenity. However, it would not outweigh the harm to amenity that would result from the new advertisement display.
 12. Being noticeable obviously reflects the key purpose of the new advertisement, which is to draw the eye of people passing by. In doing so, the new advertisement would be effective given its visibility to a busy highway.

However, this consideration has to be balanced against the need to ensure that advertisements do not have a negative impact on the appearance on the built environment, as would be the case here.

13. On the main issue, I therefore conclude that the proposal would cause harm to the visual amenity of the local area that includes the setting of the listed Ritz Dance Hall. The public benefits of the appeal scheme, which largely relate to the opportunity to provide access to a telephone kiosk for all users; a design to discourage anti social behaviour; an ability to use the latest communication technology; and to show public announcements, if material, are insufficient to outweigh the harm to amenity that I have identified.
14. Reference is made to various planning policies and guidance, at the national and local levels, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of the appeal, the plan policies and guidance have not therefore by themselves been decisive.

Conclusion

15. For the reasons given, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR