
Appeal Decision

Site visit made on 4 September 2017

by P Eggleton Bsc(Hons) MRTPI

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

Decision date: 22 September 2017

Appeal Ref: APP/B4215/Z/17/3179190

Unit 4a, Spinningfields Square, Manchester M3 3AP

- 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 Wagamama Limited against the decision of Manchester City Council.
 - The application Ref 115384/AO/2017, dated 20 February 2017, was refused by notice dated 30 May 2017.
 - The advertisement proposed is external signage to existing restaurant.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The unit is occupied by a Wagamama restaurant and the proposal would result in the display of two internally illuminated individual letter fascia signs, two internally illuminated projecting signs and one vinyl sign applied to the window. The building forms part of a modern public square within the Deansgate Conservation Area although the appeal unit fronts onto Hardman Street. The building is predominantly glazed with the restaurant set on the ground floor within the undercroft.
4. The building has a simplicity to its design and appearance and this distinguishes it from other modern and highly glazed buildings in the area. This simplicity and the resultant distinctiveness of the building, contributes positively to the character and appearance of the conservation area. The undercroft areas include some features that reduce the simplicity and uncluttered character of the building but they are less prominent in wider views because of their recessed position and the screening provided by the structural supports and street trees.
5. The existing advertising, including that relating to Wagamama, is generally behind the glazing. I found this to be effective in identifying the users, both in short views but also with regard to this unit, in longer views from the junction with Deansgate. Having all signage behind the glazed façade contributes significantly to maintaining the minimalistic and uncluttered appearance of the building and its surrounds. It complements the clean lines of the building and is in keeping with the wide uncluttered expanses of glazing which allows both

- transparency into the building and reflections of the surroundings which are important and positive characteristics of the design. The Council have indicated that the external advertising that does exist, does not benefit from consent.
6. The introduction of external advertising would add to the existing street level elements associated with outdoor seating areas and the entrances of the units. These areas already change the characteristics of the building to some extent but they have been carefully contained and integrated. The introduction of any additional elements that would depart further from the simplicity of the design and clean appearance of the structure would need to be very carefully considered so as not to detract from the high quality, uniform and unaltered form of the original design.
 7. The two internally illuminated individual letter 'fascia' signs, although designed to have a level of integration within the glazed panels, would represent strident new additions to this area of glazing that would be at odds with the signage that serves the other users of this building. It would detract from the simple appearance of the building. The two internally illuminated projecting signs would introduce new structural elements that would not be in keeping with the overall design. Their prominence would add significantly to the elements within the undercroft that conflict with the uncluttered appearance of the building and its simple design. I do not find that the design of the adverts has been carefully considered in order to reflect the high quality detailing and materials of the building. Overall, these four signs would significantly change the character of this area of the building to its detriment.
 8. Given the detail of the Officer report, the Council appear to have concluded that the window display does not require express consent. It would appear from the description that it would be behind the external glass but this is not entirely clear. As the appeal follows an application for express consent which includes this element, I have considered it as part of the proposal. The blocking out of the window and the direct internal illumination of it, would significantly alter the perception of the frontage and add to the discordant elements that detract from the simple character of the building.
 9. Overall, the proposals do not respect the detailing and simple quality of the building on which they would be set. They would add significantly to the existing elements within the undercroft which are already in tension with the simplicity of the design. Although the undercroft allows for departures from the simple detailing of the building without harming the overall character of it, these additions would alter the existing balance. The signs would significantly change the character of this particular section of frontage and would attract attention to these discordant elements. I find that individually and cumulatively, they would represent poor design in this context and they would result in harm to visual amenity.
 10. As the property lies within the conservation area, I must pay special attention to the desirability of preserving or enhancing its character or appearance. I find that these signs would detract from the appearance of the building and would fail to preserve or enhance the character or appearance of the Deansgate Conservation Area.
 11. The appellant has made reference to the need for advertising to ensure that the restaurant can remain viable. It is also suggested that if the business was forced to close, an empty unit would be more harmful to the appearance and prospects of the area. I have been provided with no convincing evidence to

suggest that the existing business is unviable or that its lack of external advertising is harming its prospects. I accept that the design of the building, with the restaurant being set within the undercroft and screened to some extent by the street trees and the supporting structure of the building, reduces its prominence within the street scene. However, I found the existing internal advertising to be clearly visible and I am not satisfied that this could not be improved.

12. Reference has been made to other advertisements within the area and I acknowledge that there is a wide range of differing provisions. Some are well designed and integrated into the detail of the buildings or they provide additions to the building that complement its design. Others are less satisfactory with regard to their wider impact. I must however consider this proposal on its own merits and in relation to the particular circumstances of this case.
13. The appellant suggests that an alternative advertisement scheme could be undertaken using advertising that benefits from deemed consent. It is suggested that the outcome could result in a potentially greater number of signs that would have a more noticeable impact upon the character and appearance of this building and the street scene. I am unclear what this scheme would entail and as such, I am not satisfied that it represents a good reason for accepting these signs, which I have found to be harmful to amenity.
14. The Council have referred to a signage strategy for this particular building requiring bespoke signage located behind the glazing to allow the high quality glazed elevations to remain visually uncluttered. The Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. In any event, I have not been provided with the details of the signage strategy or any evidence to suggest that it is an adopted document. I cannot therefore afford it weight in this determination.
15. Reference has also been made to a raft of development plan and policy documents that have been adopted by the Council. Most refer to general development and design principles, require high quality design and stress the importance of the quality of the public realm. I agree with the appellant that many of these are directed at general considerations rather than the specifics of this proposal. I do not consider them to be irrelevant but as I have found that the advertisements would represent poor design, they do not offer any support for the appellant's case.
16. More specific policies are set out in the Unitary Development Plan for the City of Manchester 1995. Policy DC14 seeks to ensure that signs are in keeping with the building and adjoining buildings although I accept that the policy does not refer specifically to restaurants. Policy DC15 refers to advertisements and is considered to be relevant by the appellant. As I have found that the advertisements would result in harm to the character of the building, the proposals would result in conflict with this policy. I also find conflict with the *Framework* which advises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
17. The *Framework* is also clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. The proposal would result in harm to the conservation area but this

harm would be less than substantial, as described in paragraph 134 of the guidance. However, the public benefits of the proposal would not be sufficient to outweigh this harm.

18. I find that the advertisements would be harmful to visual amenity. I have not found there to be any matters that are sufficient to outweigh this concern. I therefore conclude that the appeal must be dismissed in the interests of amenity.

Peter Eggleton

INSPECTOR