



Appeal Decision

Site visit made on 30 September 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 25 October 2019

Appeal Ref: APP/B4215/Z/19/3235489 298 Oxford Rd, Manchester, M13 9NS

- 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 JCDecaux UK Ltd against the decision of Manchester City Council.
 - The application Ref 123314/AOH/2019 dated 12 April 2019, was refused by notice dated 27 June 2019.
 - The advertisement proposed is removal of one internally illuminated sequential advertisement and the installation of an internally illuminated sequential digital display on the flank wall of 298 Oxford Road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach.
5. The proposal is for an advertisement with a sequential digital display on the flank wall of 298 Oxford Road, a modest three-storey property of traditional design and proportions, currently used as a hot food takeaway with residential accommodation above. Adjacent to the property is a single-storey public house with an open beer garden on the first floor immediately adjacent to the advertisement. The existing advertisement on the property does not have the benefit of express consent.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

6. Oxford Road is one of the main radial routes into and out of the city centre and is very busy with both traffic and pedestrians. Due to the straight alignment of Oxford Road in this location, and the elevated position of the advertisement on the building, the proposed advertisement would be visible for some distance along the road.
7. As a result of its size, the advertisement would obscure much of the flank wall of the building and be considerably larger than any feature on the building, including the existing signage relating to its use. In addition, as a result of the depth of the structure, from certain vantage points, it would appear to project beyond the profile of the building. Consequently, the advertisement would appear out of scale with the host building and would dominate its appearance when viewed from Oxford Road.
8. Even though the area is commercial in nature, there are no other examples of advertisements of this size and prominence in the locality. The size and regular changing of the display would draw the attention of passers-by and add to its prominence. As such the proposal would dominate the street scene at a busy road junction.
9. There is a dispute between the parties as to whether the existing sign benefits from deemed consent. This is not a matter for me to determine in the context of a Regulation 17 appeal. Nevertheless, I note the appellants claim that it has been in situ for 10 years. Whilst the Council disputes this, there is nothing before me to suggest that the Council has sought its removal. However, even if the existing advertisement were to benefit from deemed consent, the proposed structure would be larger than the existing one and moreover, would project a greater distance from the face of the building. As such the proposed advertisement would be even more dominant and would have a greater impact on the host building and street scene than that which presently exists.
10. I note that the appellant has suggested conditions to be included in any approval, including limits to the level of illumination, the frequency of image transitions and a restriction on the hours during which an advertisement would be displayed. However, such conditions would not overcome the issues relating to the prominent location of the sign and impact on the street scene or its scale, and the relationship to the host building.
11. For the reasons set out, the proposal, by reason of its size, changing images and illumination, along with its elevated position and prominent location, would be dominant and overbearing on the host building and within the street scene. As such the proposal would harm the amenity of the surrounding area. In that respect the proposal is contrary to saved Policy DC15 of the Unitary Development Plan for the City of Manchester and Policies DM1 and EN1 of the Manchester Core Strategy, which although not decisive, seek in various ways to ensure that development protects and enhances the built environment.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR