
Appeal Decision

Site visit made on 20 May 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/B4215/Z/20/3246152

583 Barlow Moor Road, Chorlton, Manchester M21 8AE

- 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 Paul Hardy of Vivid Outdoor Media against the decision of Manchester City Council.
 - The application Ref 125110/AOH/2019, dated 9 October 2019, was refused by notice dated 24 January 2020.
 - The advertisement proposed is described as: 'Replacement of existing externally illuminated advertising display with a new internally illuminated digital advertising display in the same location and orientation'.
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Decision

1. The appeal is allowed, and express consent is granted for the display of 1no internally illuminated 48 sheet digital advertisement as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:
 - 1) During the hours of darkness, the illumination level shall not exceed 300 candelas. At all other times the illumination level shall not exceed 600 candelas.
 - 2) No single advertisement shall be displayed for less than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds.
 - 3) The transition between successive advertisements shall be 0.1 second or less.
 - 4) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.
 - 5) There shall be no additional effects (including, but not limited to: audio, odours, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, at any time.

Procedural Matter

2. The Regulations require that decisions are made only in the interests of amenity and public safety. However, the policies cited on the Council's decision notice to which I have regard, represent a material consideration in the determination of this appeal.

Main Issue

3. The main issue of this appeal is the effect of the advertisement on the amenity of the appeal site and surrounding area.

Reasons

4. The appeal site is the gable elevation of a characterful Victorian end terraced property, where an estate agent currently occupies the ground floor. An existing externally illuminated 48 sheet poster hoarding measuring approximately 6 metres by 3 metres is currently in situ on the gable end.
5. The site is located to the west of Barlow Moor Road (B5217) and is set back from the carriageway at an oblique angle. The area is of mixed use with both residential and commercial properties. Barlow Moor Road is a busy urban road that forms a shopping street on the same section of the road as the site, and across the 'four banks' road junction. The evidence before me suggests the lawfulness of the existing poster display appears not to be disputed by the authority. I have dealt with the appeal on the basis of the application as submitted, but in the context of the existing display.
6. During my visit, I viewed the site from various locations, including directly across the road and from the 'four banks' road junction, as well as outside No's 458 to 462 Wilbraham Road (A6010). The existing poster hoarding is a consideration to which I give significant weight in this appeal and, which is of a similar size and in a similar position to the appeal scheme. However, I am mindful that whilst the proposal has similar dimensions to the existing poster hoarding, is in a similar location and externally illuminated, the main difference is that the appeal proposal would be internally illuminated and would incorporate changing images.
7. Overall, I find that the proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to the host building or its surroundings. Additionally, the display unit would be set some distance away from facing properties, particularly No's 458 to 462. Whilst there is some dispute regarding whether or not these properties are occupied, I am satisfied that, subject to appropriate safeguards relating to the level of illumination and related matters, the appeal proposal would not be over dominant or form an intrusive feature to the detriment of the surrounding area. The appeal proposal would also be consistent with the principles set out in the Planning Practice Guidance, which amongst other things, advocates consideration for the local characteristics of the neighbourhood.
8. For all of these reasons, I therefore conclude that the proposed advertisement would not result in any significant harm to the amenity of the appeal site or surrounding area. This complies with the amenity aims of 'Saved' Policies E3.3 and DC15 of The Unitary Development plan for the City of Manchester 1995, Policies SP1, DM1 and EN1 of the Council's Local Development Framework Core Strategy Development Plan Document 2012, and the requirements of the National Planning Policy Framework.

Other Matters

9. The appellant has requested a period of 10 years on the application form, but little evidence has been offered as to why the standard 5 years is not

appropriate in this case and as a consequence, I see no reason to depart from the standard timeframe in this instance.

10. I note representations on the application from 3no. Ward Members and Chorlton Voice expressing a range of concerns surrounding public safety. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Additionally, I note the concerns raised about the existing advertisement, but this is not a matter for my consideration in this appeal.

Conditions

11. In addition to the five standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG), revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point but have attached conditions more consistent in their necessity and form with the relevant advice.
12. The Council have not suggested any additional conditions to the five standard conditions. However, I note the additional conditions specified by the appellant that relate to the proposed level of illumination, and the nature of the advertisement. In the interests of visual amenity, I consider it reasonable and necessary to impose conditions to that effect broadly along the lines proposed.
13. I have considered the suggestion from the appellant regarding no images being displayed between the hours of 11:00hrs and 07:00hrs, but I do not consider that such a reduction in operating times would be necessary to make the proposal acceptable. I am satisfied that the appeal scheme would accord with the recommendations of the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements.

Conclusion

14. The proposed advertisement would not have a detrimental effect on the amenity of the appeal site and the surrounding area, including its residents. For the reasons set out above, I conclude that the appeal is allowed.

W Johnson

INSPECTOR