
Appeal Decision

Site visit made on 18 May 2020

by Paul Singleton BSc MA MRTPI

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

Decision date: 18 June 2020

Appeal Ref: APP/B4215/Z/19/3243383

10, Kirmanshulme Lane, Manchester M12 4WA

- 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 GL Hearn against the decision of Manchester City Council.
 - The application Ref 124682/AOH/2019, dated 2 August 2019, was refused by notice dated 24 October 2019.
 - The advertisement proposed is upgrade of existing 48 sheet advertisement to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of the digital poster as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) No individual advertisements displayed on the digital panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
 - 2) No individual advertisements shall be displayed for duration of less than 10 seconds.
 - 3) Controls shall be in place to ensure the smooth, uninterrupted transition of images displayed on the panel.
 - 4) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - 5) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - 6) The maximum luminance level of the advertisements displayed on the panel shall not exceed 150 candela/metre² during non-daylight hours/inclement weather.

Procedural Matter

2. The appeal was submitted without the requisite notice of the making of the appeal having been served on the owner of the building to which the proposed sign would be attached. The appellant was notified of this error and has subsequently served the necessary. In a letter forwarded by the appellant the

owner has confirmed their agreement to the siting of the advertisement on their building and has not made any further representations following the serviced of the notice. I am, therefore, satisfied that the appeal can be determined without any prejudice to their interests.

Main Issues

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

Reasons

4. The appellant states that the existing 48 sheet poster has been in place at the site for over 10 years and benefits from deemed consent under Class 13 of Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations). This is not disputed by the Council. The acceptability of the effect of the existing hoarding on the visual amenity of the local area has, therefore, been established. As the position and size of the hoarding would remain unchanged the issue of concern is whether the other changes proposed would result in a materially different and greater impact on visual amenity.
5. The proposed digital sign would display static rather than constantly moving images with these images being designed so as to mimic the appearance of a traditional poster. The sign would show a series of static advertisements displayed in sequence but each image would remain visible for at least 10 seconds. Due to its location on the gable wall of No.10 the display would not be seen by the residents of that dwelling or its immediate neighbours although the occupiers of one residential property on the opposite side of Kirmanshulme Lane would have an oblique view from its front garden and front windows. Direct views would be possible from windows and balconies to the nearest flats on the south west side of Stockport Road but these views would be from some distance and across the busy road junction with traffic signals, street lighting and other street furniture in the foreground.
6. There is an area of greenspace in front of the gable wall but there are no seats or facilities on that land that are likely to lead anyone to stay there for any length of time. The orientation of the junction of Kirmanshulme Lane, Stockport Road and St John's Road is such that vehicle drivers and passengers would generally not see the proposed sign on their approach to the junction. The trees within the open space also provide screening of the sign. It would likely be seen from vehicles turning into Kirmanshulme Lane but only for a few seconds as they pass through the junction. Drivers of such vehicles are likely to be focused on completing the turning movement safely. Pedestrians and cyclists are also likely to be focused on negotiating their route through or across the junction. The views they would have of the sign are likely to be transient and of very short duration.
7. Such viewers may see only one or two of the rotating displays in the time it takes for them to approach and pass the gable wall on which the hoarding is located. For the majority of those viewers, the experience of seeing the digital images would not be significantly different from that of seeing the fixed advertisements on the existing hoarding. Given that the existing hoarding has been in place for many years I do not consider that the proposed sign would be an incongruous feature in the street scene.

8. The upgraded sign would be internally illuminated but the level of illumination could be controlled by means of condition such that it would not exceed 150 candela/square metre during the hours of darkness. This would be within the guidelines published by the Institute of Lighting¹ in relation to advertisement sites. The illumination level would be controlled by sensors so as to vary the brightness of the screen according to the brightness of the day; hence the sign would be at its brightest during strong sunshine rather than at night.
9. I saw on my site visit that there are no lighting fittings currently in place but the presence of three fixing brackets above the 48 sheet panel and a power supply suggests that the hoarding has had external illumination for some part of the 10 or more years it has been in place. However, even if illumination does not form part of the deemed consent under Class 13 of Schedule 3 to the Regulations, I do not consider that the introduction of internal illumination at the level of luminance proposed would render the digital sign significantly more obtrusive than the existing advertisement hoarding.
10. The Council's reason for refusal asserts that the proposal would undermine local regeneration but, in accordance with Regulation 3 of the Regulations, advertisements should be controlled only in the interests of amenity and public safety. The proposed advertisement would be attached to the end of a residential property but adjoins an area of mixed use and a busy main road and junction. The area does not appear to have any particular characteristics that render it especially susceptible to any adverse effect from such a proposal. Neither do I consider that the effect of the new advertisement would be significantly different from that of the existing advertisement hoarding. Given that this has been in place for over 10 years it can reasonably be said to form part of the character of this particular locality.
11. For these reasons I find that the proposal would not have an unacceptable effect on the amenity of the site and the local area around it. The effect on visual amenity would not be so great as to have an adverse impact on the objectives of any private and public investment in this part of the City. Accordingly, I do not find any conflict with the various development plan policies that are referred to in the Council's decision notice.

Conditions

12. Consent is granted subject to the standard conditions set out in Schedule 2 of the Regulations and the additional conditions proposed by the Council. I have, however, set a maximum luminance level of 150ca/m² for the digital sign to reflect the appellant's written submissions. These conditions are necessary in the interests of safeguarding the amenity of the area.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed and that express consent should be granted.

Paul Singleton

INSPECTOR

¹ Professional Lighting Guide 05; Institute of Lighting Professionals PLG05.