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## Appeal Decision

Site visit made on 6 October 2020

**by Robert Hitchcock BSc DipCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2020**

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**Appeal Ref: APP/B4215/Z/20/3257260**

**Land at 110-114 Cheetham Hill Road, Manchester M4 4FG**

- 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 Vivid Outdoor Media Limited against the decision of Manchester City Council.
  - The application Ref 127006/AO/2020, dated 21 May 2020, was refused by notice dated 22 July 2020.
  - The advertisement proposed is the replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays.
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. Express Advertisement Consent was granted for the existing hoardings on 13 February 2007 for a period of 2 years. According to the appellant the hoardings have continued to be displayed without consent for a period of more than 10 years. Thus, it is claimed that the hoardings now benefit from Deemed Consent under the terms of Class 13 of Schedule 3 of the Regulations. Whilst it is not for me to determine the lawfulness, or otherwise, of the existing displays, the appellant has provided me with evidence of communication with the Council in this respect and I am therefore content that it was aware of the considered status at the time of reaching their decision. The Council's report indicates that it has considered the proposal as replacements for the existing hoardings. I therefore consider no party will be prejudiced by my consideration of the appeal on the same grounds.
3. The main issue is the effect of the development on the visual amenity of the locality, including the setting of St Chads Church, a Grade II listed building.

### Reasons

4. The site is a corner plot at the junction of St Chad's Street with Cheetham Hill Road (A665), a busy 4-lane radial route close to the city centre ring road and linking it to outlying areas of northern Manchester. This part of Cheetham Hill Road is predominantly commercial in nature and includes mixed age buildings of varying architectural merit and scale. Consequently, the locality has a high level of signage which, for the most part, is of a more modest scale than the hoardings on the appeal site, however, other hoardings of various sizes and display type are present along the main road.
5. The proposal would retain almost identical areas of display to the existing hoardings which are capable of internal illumination. The advertisements would

rely on the same, or similar, supporting framework such that their scale and position in the streetscene would be substantially as the existing arrangement. A previous appeal decision<sup>1</sup> on the site found that these displays would be commensurate with the scale of their surroundings and, having visited the site, I find no reason to disagree with that assessment.

6. The significant changes would arise from the use of LED displays and a capability to regularly scroll through individual static images up to a frequency of one every 10 seconds. Although the displays would be slimmer and appear more modern than their existing counterparts, the combined effects of the generally brighter and vivid images, when taken with the 'movement' of the changing individual displays, would cause them to be more obtrusive and increase their visual prominence in comparison to the existing hoardings.
7. Whilst this effect would be tempered to a degree by controlled limitation of the brightness of the displays and, during darker hours, by the street lighting and other local sources of illumination, they would become a more intrusive element in the streetscene. This effect would occur at all times of the day but be considerably greater during darkness hours on account of the relatively exposed position on an unlit site bordered by open spaces at the sides and rear.
8. Furthermore, the proximity of the signs to the church would ensure that they feature significantly in the main views of that building and, as they are intended to do, would draw the eye. Although Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to applications for Advertisement Consent the effect on the listed building is material to consideration of the effects of the visual amenity. The scale of the hoardings and images on display, the illumination and frequency of changing pictures would detract significantly from the setting and visual experience of the listed building.
9. In combination, I find that the effects of the new display characteristics and the impacts on the setting of the listed building would cause significant harm to the visual amenity of the locality.
10. In support of the appeal the appellant refers to the acceptance of the principle of other examples of digital displays within the city supported by the Council. This includes a specific case at 143 Cheetham Hill Road. Whilst that example would lie close by, its circumstances differ in that it is a single display and is set against the backdrop of a building. Furthermore, the limited evidence provided does not suggest it lies within the close setting of a listed building. It is not therefore directly comparable to the case before me, a case I have considered on its own merits.
11. The appellant also states that the effect on the listed building remains unchanged. Notwithstanding my conclusion above, I note that the original grant of Express Consent was time limited on account that the harm identified to the setting of the listed building would be inappropriate over a longer period. In that instance, the concession to grant consent was predicated on the effects of other benefits accruing from the improvement of the wider corner site awaiting potential redevelopment. However, I find no evidence before me that the condition of the site would be prejudiced by my decision. According to the

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<sup>1</sup> APP/B4215/H/06/1200355

appellant, the site benefits from a fallback position for the display of adverts such that continued display might occur. As such, the circumstances which were previously considered to outweigh the harm to the setting of the church attract negligible weight in this instance.

12. Moreover, the claimed lawfulness of the existing advertisements, which were anticipated to cause harm to local amenity, would not provide a sound justification to permit advertising that I have found would cause greater harm.

#### Other Matters

13. As a fallback position is deemed to exist there is no prejudice to the ongoing display of advertisements at the site such that the economic benefits for the site operator and owner would be diminished. Although potential environmental benefits of the proposal might accrue through reduction of waste, the use of energy and resource efficient lighting and reduced visits to the site, I do not consider that those benefits would outweigh the harm to visual amenity that would arise in the locality.

#### Conclusion

14. I therefore conclude that the proposal would cause significant harm to the visual amenity of the locality due to the changes to the nature of the display and ability to successively change images.
15. I have regard to Policies EN1, EN3, SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012) and saved Policies DC15, DC19 and E3.3 of The Manchester Plan Unitary Development Plan 1995 as referred to by the Council and as they seek to protect amenity, together with paragraph 132 of The National Planning Policy Framework. Having found that the proposal would cause harm to local amenity, the proposal conflicts with those policies.
16. For the above reasons, the appeal should be dismissed.

*R Hitchcock*

INSPECTOR