

Appeal Decision

Site Visit made on 15 February 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/B4215/Z/20/3264170

Land at Kirkmanshulme Lane, Manchester, M12 4HR

- 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 Wildstone Estates Ltd against the decision of Manchester City Council.
 - The application Ref 127777/AOH/2020, dated 11 August 2020, was refused by notice dated 12 October 2020.
 - The advertisement proposed is replacement 48 sheet digital LED advertising display and associated logo box.
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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 visual 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 (Framework) and the Planning Practice Guidance reiterates this approach.
5. The area in which the appeal site is located comprises a mix of commercial and residential uses. The advertisement would be located on the side of a railway bridge, with an open landscaped area in front of it and Victoria Terrace, a residential street to the side.
6. Although there are a number advertisements within close proximity to the appeal site, these are primarily located on commercial buildings on the approach to, and on the opposite side of the road to the appeal site.

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

7. The appeal site is located close to residential properties fronting the A6010 and Victoria Terrace and would be largely viewed in this context. Its location close to the side of the road and elevated on the railway bridge would result in a prominent, dominant form of advertising which would be a visually incongruous feature that would be intrusive in the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence. The landscaping within the grassed area to the front of the proposal would not mitigate the visual impact of the advertisement display. Conditions controlling the nature of the advertisement and brightness would not mitigate the harm identified.
8. It is also argued that this proposal would replace a larger advertisement that was previously in situ. Be that as it may, the proposal must be assessed on its own merits and its digital LED illumination would be noticeably different to the previous advertisement. Similarly, the lack of enforcement action taken over the previous advertisement board does not negate any harmful impacts of the proposal.
9. The appellant argues benefits to the proposal in environmental terms, such as the reduction in printed posters, travel to advertisement sites and improvement of the street scene. Similarly, economic benefits are suggested, such as income generation for the landlord. Such matters do not weigh in favour of the proposal because the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.
10. My attention has been drawn to other examples of digital advertisements. From the information before me it appears that the advertisement in Dudley is not directly comparable to the appeal proposal as it is located in a commercial area. I do not have the details of the nearby appeal before me so cannot be certain that the circumstances of the appeal are comparable to this case. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
11. Consequently, taking all the above into consideration, I conclude that the proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Policies EN1, SP1 and DM1 of Manchester's Local Development Framework, Core Strategy (July 2012) and DC15.1, DC15.2 and E3.3 of the Unitary Development Plan for the City of Manchester (July 1995) which, although not decisive and vary slightly in their wording, collectively seek to ensure proposals do not harm the character of the area.

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

APPEAL 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.

RC Kirby

INSPECTOR