



Appeal Decision

Site Visit made on 1 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2021

Appeal Ref: APP/B4215/Z/21/3270559

515 Cheetham Hill Road, Manchester M8 9HD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Urban and Provincial Advertising Limited against Manchester City Council.
 - The application Ref 128644/AOH/2020 is dated 26 November 2020.
 - The advertisement proposed is described as an upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
3. The circumstances of this appeal are such that it has not been necessary to seek comments from the parties on the revised Framework. Paragraph 132 of the replaced Framework, concerning advertisements, has been unchanged in the revised Framework and is now paragraph 136.

Main Issue

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

Reasons

5. The appeal site is located in an area with a variety of building styles and sizes. The surrounding area is relatively commercialised and is notable for the high levels of road traffic movement.
6. The advertisement is proposed to be mounted on the side elevation of a large three-storey commercial premises. It would replace, and be sited in the same position, as an existing poster billboard of the same size.
7. The Planning Practice Guidance (PPG) gives an example that, in considering the effect on amenity of a proposed advertisement, a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be

permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

8. Although the appeal site displays some characteristics of the latter context, I find that due to its size and siting, mounted on the side elevation of a building to give long range views, the proposed advertisement would dominate the building and the immediate area. The display of illuminated digital images would be striking and prominent and would not integrate well into the street scene. For these reasons, the appeal proposal would create an incongruous feature.
9. Advertisements to nearby commercial premises are not as large or dominant and although there are some 48-sheet advertisements in the wider area, I am not aware of the background of these and they do not justify allowing harmful development.
10. The Council consider that the advertisement would harm the living conditions of occupiers of nearby residential properties. I observed that the location of the proposed advertisement is not directly overlooked from any nearby residential properties and I consider that were I to allow the appeal the effect on living conditions could be made acceptable through conditions relating to levels of luminance and hours of operation.
11. The proposal would therefore be contrary to paragraph 136 of the Framework which states that, the quality and character of places can suffer when advertisements are poorly sited and designed.
12. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. I conclude that the proposed advertisement would have a harmful effect upon amenity. The proposal would therefore conflict with the amenity requirements of Policies EN1, DM1 and SP1 of the Core Strategy for the City of Manchester (2012) and Saved Policies DC15.1, DC15.2, and E3.3 of the Unitary Development Plan (1995).

Other Matters

13. The appellant outlines that the existing billboard has been in place for over 10 years and therefore benefits from deemed consent under the Regulations. I accept that this carries moderate weight in relation to the consideration of the proposed advertisement, however unlike the existing installation, the proposed display would be digital with illuminated, changing images, and as such would be more striking than the static, unilluminated displays of the existing advertisement. I do not agree with the appellant that, despite the fact that the existing advertisement may benefit from deemed consent due to the time it has been in situ, this leads to the conclusion it does not harm amenity on this basis. In any event, I have determined the appeal on its own individual merits.
14. I have considered the conditions suggested by the appellant. I consider that none of them including those relating to luminance, display time, content restriction and changing of images, would negate the harm that I have identified.

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

15. The fact that the appeal site is not within a conservation area or close to any heritage assets does not override the harm I have identified. I note the appellants reference to the economic benefits of the proposal and the reduction in vehicle movements and need for printing posters the proposal would bring about. However, advertisements should be subject to control only in the interests of amenity and public safety.

Conclusion

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR