
Appeal Decision

Site visit made on 21 March 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by A Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/B4215/Z/22/3291314 960, Rochdale Road, Manchester, M9 7EP

- 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 Urban & Provincial Advertising Limited against the decision of Manchester City Council.
 - The application Ref 130937/AO/2021, dated 30 June 2021, was refused by notice dated 3 December 2021.
 - The advertisement proposed is installation of two advertisement displays to support digital posters.
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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.

Preliminary Matters

2. 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 Framework and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

3. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters.
4. Therefore, the main issue is the effect of the advertisement on the amenity of the area with particular regard to visual and residential amenity.

Reasons for the Recommendation

5. The appeal site is located on Rochdale Road which is a busy road into and out of Manchester in an area comprising a mix of commercial and residential uses. The advertisements would be set back from the highway on an area of high

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

fencing at the side of the highway which up until recently was the location of non-illuminated advertisement hoardings. From my site visit I noted that there were examples of non illuminated advertisements in the vicinity of the proposal although these were mainly in connection with advertisements on commercial premises.

6. It is argued that this proposal would replace larger advertisements that were 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 advertisements. The intermittent changing of the illuminated displays would significantly attract attention, accentuating their visual prominence in the street scene, where it would introduce an incongruous form of advertisement. Whilst I accept that the area is lit with streetlights, on my visit I did not see any other large, illuminated advertisements in the vicinity of the proposal. The reduction in the levels of illumination at night, and the level of illumination according with best practice does not alter my findings in this regard.
7. There is residential accommodation in the form of flats on the opposite side of the road. The flats would not be directly facing the advertisements due to the angle at which the advertisements would be displayed. Nevertheless, the illuminated nature of the proposal and their changing intermittent displays would nonetheless introduce oppressive features that would be prominently visible whilst within the flats. Even if a condition was attached to a consent limiting the night-time brightness of the advertisements, the changing of illuminated images would cause harm to the residential amenity of the occupiers.
8. 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. 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 and in any case would not outweigh the harm identified above.
9. My attention has been drawn to other appeal decisions for a digital advertisement. Whilst I do not have the full details of these before me, it would appear that they are not directly comparable to the appeal site. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
10. 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 Core Strategy (2012) and DC15.1 and DC15.2 of the Unitary Development Plan (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

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Jordan

INSPECTOR