

Appeal Decision

Site visit made on 3 May 2022 by N Unwin BSc (Hons) MSc

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Ref: APP/B4215/Z/22/3292290

Land on North East side of Middleton Old Road (north of the Grove Inn), Middleton Old Road, Blackley, Manchester M9 8DS 385810 402875

- 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 Mr C Fogel against the decision of Manchester City Council.
 - The application, ref. 132003/AOH/2021, dated 21 October 2021, was refused by notice dated 16 December 2021.
 - The advertisement proposed is described as 'two free standing LED static image advertising panels'.
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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

3. At the time of my site visit, the existing hoarding referred to within the Council's delegated report and appellant's statement of case had been removed from the site. The Council's delegated report states that the hoarding "*is no longer in use and has been subject to depletion over the years*". Although the appellant has expressed their intention to reinstate this hoarding, the determination of this appeal is made on the basis of the situation at the time of my site visit.
4. The description of the proposal within the decision notice is different to that of the appeal form. The appeal form description is considered a more accurate representation of the proposal and has therefore been used within the banner heading above.
5. The Council has cited conflict with Policies EN1, DM1 and SP1 of the Core Strategy Development Plan Document (2012) (CS), and Saved Policies DC15.1 and DC15.2 of the Unitary Development Plan (1995) (UDP). Whilst I have taken these policies into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the

interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Main Issue

6. The main issue is the effect of the appeal proposal on amenity, with particular regard to the street scene and living conditions of the occupiers of neighbouring dwellings.

Reasons for the Recommendation

7. The area surrounding the appeal site is primarily residential in character. The dwellings adjoining Rochdale Road are set back behind front gardens and the mature trees lining either side of the road afford the area with a spacious and leafy street scene.
8. The appeal site forms a grassed area of land between Middleton Old Road and Rochdale Road. The Grove Inn is an attractive traditional building adjoining the site, appearing a positive prominent feature when approached from either direction along Rochdale Road. During my site visit I noted few examples of advertisements along this section of Rochdale Road, with those present appearing modest in scale and visually unobtrusive.
9. The proposed advertising panels would be angled so as to be visible by vehicles travelling in both directions along Rochdale Road. Each panel is approximately 5.2 metres in width, 3.5 metres in height, and internally illuminated with changing advertisements. The proposal would therefore create a dominant and alien feature, partially obscuring and drawing focus from the The Grove Inn, having an unacceptable impact on the existing street scene.
10. Although the dwellings on the opposite side of Rochdale Road to the proposal are at a higher elevation and set back, a number possess no screening between the principal elevation and the proposed site. The angle of the proposed panel closest to The Grove Inn combined with its illumination and changing advertisements would have a detrimental impact on the living conditions of the occupiers of these dwellings. For these reasons, the proposal is considered to have an unacceptable impact on the living conditions of the occupiers of neighbouring dwellings.
11. It is acknowledged that conditions could be imposed to lessen the impact of the proposal on the street scene and living conditions of neighbouring residents. However, I do not consider them capable of mitigating these impacts to an acceptable level.
12. In light of the above, by virtue of its size, position, and illumination, I consider that the proposal would result in an unacceptable impact on amenity, with particular regard to the street scene and living conditions of the occupiers of neighbouring dwellings. Insofar as they are material, the proposed development would not accord with Policies EN1, DM1 and SP1 of the CS, and Saved Policies DC15.1 and DC15.2 of the UDP which broadly seek to secure high quality design that does not adversely affect visual and residential amenity.

Other Matters

13. I note that there were no formal objections to the proposal from neighbouring residents. I have had regard to these matters, but they do not outweigh the harm identified above.

Conclusion and Recommendation

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

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

J Hunter

INSPECTOR