
Appeal Decision

Site visit made on 9 January 2023

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/B4215/Z/22/3308824

Land on the north side of Hyde Road, Manchester M12 5FH

- 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 Martin Stephens, JCDecaux UK Limited against the decision of Manchester City Council.
 - The application Ref: 134265/AOH/2022, dated 5 July 2022, was refused by notice dated 23 September 2022.
 - The advertisement proposed is the installation of two 48 sheet illuminated and sequential advertisement displays.
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Decision

1. The appeal is allowed and express consent is granted for the installation of two 48 sheet illuminated and sequential advertisement displays as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Main Issue

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

Reasons

3. The appeal site comprises an area of grass verge which contains an existing free standing advertisement display. It consists of a large double sided unit that is supported on a bracket type structure which is attached to an upright pole. It is elevated and contains internally illuminated, sequential landscape display panels.
4. The site lies adjacent to Hyde Road, a major route which is well trafficked. To the rear are the grounds of a school where the boundary is well defined by perimeter fencing and which extends into the grass verge. There are a number of mature trees to the rear of the existing advertisement, close to the boundary with the school.
5. While there are residential properties in the vicinity, these are well set back from Hyde Road. Closer to the road, the character is of a more commercial and infrastructure nature. There are car repair and sales premises on the opposite side of Hyde Road, which have their own advertisements. The presence of a nearby railway bridge reinforces this heavily urbanised character.

There are also other free standing signs along Hyde Road, before and after the railway bridge.

6. The proposal would make use of the existing structure to provide for digital displays. Whilst they would be large in size and elevated, in these surroundings, they would not appear unduly obtrusive and over-dominant. It would appear as one of a number of signs along a commercial corridor either before or after the railway bridge. As a consequence, it would be in a streetscene where such an advertisement would not be incongruous.
7. The design and appearance would vary from other such advertisements along this road due especially to the supporting structure. Having some variation in this regard would not though render it out of context with the variety of signage in its vicinity, as well as the varying forms of built development. The resultant relationship of the site to the streetscene would not be harmful.
8. The means of illumination and the method of display would be of a more modern nature but again this is a location which can ably accommodate such a change, without resulting in an unacceptable and detrimental impact on the visual amenity of the area. It would clearly be visible to motorists and pedestrians using Hyde Road on longer ranging views, in particular to the east, but this would also result from the straight nature of this stretch of road and which already causes a number of the signs and other forms of commercial and infrastructure development along it to be prominent. The presence of the trees would also soften the visibility.
9. Where there is variation in the character of the broader area, this concerns the difference between the road corridor and the development which is set back from the road, rather than necessarily a different character on either side of it. The proposal would not impede on the character of the development that is set back as it would be located substantially closer to the road. The contribution which the grass verge makes is itself lessened by its proximity to the road and as it is dissected by the school's perimeter fencing. The proposal would also not be harmful to the character in this regard.
10. I conclude that the proposed advertisement would not have an unacceptable effect on the amenity of the area. As such, it would comply with paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
11. I have taken into account Policies EN1, SP1 and DM1 of the Council's Local Development Framework Core Strategy Development Plan Document (2012) and Saved Policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan (1995) which seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these policies.

Other Matters

12. Both main parties have made reference to whether the existing advertisement benefits from a deemed consent due to the period of time which it has been in place on the site. As this appeal concerns whether the proposal should receive an express consent, this is not a matter for my consideration. As far as I have been made aware, the existing advertisement has not been the subject of an

application for a certificate to determine whether it is lawful or requires express consent. As such, I have given full regard to the impact of the proposal on the locality in my decision, rather than as an upgrade to the existing advertisement.

13. The main parties agree that the effect on public safety would not be unacceptable. In this respect, the proposal would not cause road safety issues with its siting.

Conditions

14. Apart from the five standard conditions, I have imposed conditions controlling the images, the duration of the individual advertisements, the transition of images, brightness adjustment, dealing with the installation breaking down and the maximum luminance. The latter does not include controls over luminance during daylight hours because it is not evident why this would have a bearing on highway and pedestrian safety. Hence, it is not necessary. The appellant also suggested a condition over the hours of operation to avoid most of the night time period, which I have also applied. I have imposed these conditions in the interests of amenity and public safety.

Conclusion

15. For the reasons set out above and having regard to all matters raised, the appeal is allowed.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) No individual advertisements displayed on the LED panels shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- 2) No individual advertisements shall be displayed for a duration of less than 10 seconds.
- 3) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panels.
- 4) The display panels shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- 5) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- 6) The maximum luminance level of the advertisements displayed on the panels shall not exceed 300cd/m² during non-daylight hours / inclement weather.
- 7) The panels shall not display any advertisements between the hours of 24:00 and 06:00 on any day of the week.