



Appeal Decision

Site visit made on 31 January 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/B4215/Z/22/3302424

First floor, 11 Derby Street, Manchester M8 8QE

- 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 Mrs Shayheda Butt against the decision of Manchester City Council.
 - The application Ref 133702/AO/2022, dated 5 May 2022, was refused by notice dated 1 July 2022.
 - The advertisement proposed is described as retention of 3 non illuminated poster signs to building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed that the signs have been installed and I have taken account of this in reaching my decision.
3. The Council granted consent for the sign labelled number '4' on the submitted documents and refused consent for the signs numbered '1' and '2'. Therefore, I have concerned myself only with the 2 signs which the Council did not grant consent for.
4. Paragraph 136 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements¹. The Framework, the Regulations, and the Planning Practice Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on "*amenity*" and "*public safety*"². The Regulations also advise that "*factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest...*"³. The provisions of the development plan, and any other relevant factors, can be considered, so far as they are material⁴. I have assessed the advertisements for which consent is sought in accordance with the relevant regulations and guidance.

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

² Paragraph 136 of the Framework; Paragraph: 001 Reference ID: 18b-001-20140306 Revision date 06 03 2014 of the PPG, and section 3(1) of the Regulations

³ Section 3(2)(a) of the Regulations

⁴ Section 3(1)(a) and (b) of the Regulations

Main Issue

5. Considering the above and the evidence submitted, the main issue is the effect of the adverts on the visual amenity (character or appearance) of the area.

Reasons

6. The appeal site is located on a street corner within an area that I acknowledge has a predominantly commercial character. The building is constructed of red brick with a flat roof, with street frontage windows and door at ground-floor level, and windows serving the upper floor, on the front elevation. The building is evidently in use as premises for solicitors. As noted, the application sought retrospective consent for 3 Number non-illuminated poster signs, number '1', '2' and '4' on the documents submitted. Signs '1' and '2' are fitted to the building's western facing elevation at upper floor level, and sign '4' is fitted above a door at ground-floor level on the north-eastern chamfered corner of the building.
7. Both main parties have referred to a recent Decision by an Inspector colleague related to a proposal for retention of 7 No. advertisement signs at the property, appeal Ref APP/B4215/Z/21/3284278, which I have had regard to. The appeal was dismissed. The Inspector considered that the variety of signs, and where they were sited on the building, lacked cohesiveness, and that the number of signs was excessive for the size of the building. The Inspector therefore concluded that, cumulatively, the signs would contribute to the existing advertisement clutter within the area, which was considered to harm the visual amenity of the area.
8. At the time of my visit, all 7 No. signs related to the dismissed appeal Ref APP/B4215/Z/21/3284278 were still in situ. Excluding these signs, the building has a large fascia sign sited between the ground floor frontage and upper floor windows, extending the width of the front of the building; a strip fascia sign attached to the housing of the window shutters fitted above the ground-floor windows, also extending the width of the building, and signs affixed to the inside of the windows and door at both ground and first floor levels on the front elevation. Hence, excluding the 7 signs that were dismissed at appeal, there are 10 advertisement signs on the front elevation of the property. Additionally, as indicated, the Council has granted consent for another sign, sign number '4'.
9. Given the extensive number of advertisement signs already located on the front of the property, and the additional sign the Council has granted consent for, I consider the retention of 2 more signs would result in their being an excessive number of signs on the building in totality. I consider the retention of the 2 additional signs on the building would result in cumulative clutter of signage on the building, which I consider would be harmful to the appearance of the area.
10. I appreciate the appellant has significantly reduced the number of signs for which consent was initially sought via appeal Ref APP/B4215/Z/21/3284278. However, the test is whether the signs for which consent is sought harm visual amenity, not how many less signs is the appellant now applying for compared with the previous application/appeal.

11. The appellant has drawn my attention to an image obtained via Google Street View which shows that a sign previously existed on the western facing side elevation of the building. However, I have not been provided with any evidence that the sign had been granted consent. I therefore attach little weight to this matter. I also acknowledge that the site is not located within a Conservation Area or within proximity of any Listed Buildings. However, these are neutral factors in the determination of the appeal.
12. In light of all the above, I therefore conclude that the additional advertisements for which consent is sought harm the appearance of the area. I have taken saved policies DM1 and SP1 of the Manchester's Local Development Framework Core Strategy (2012) and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester (1995) into account, as collectively, and among other things, they seek to protect and/or enhance the appearance of a location. As such, they are material to the case. Given I have concluded that the proposal would harm the appearance of the area, the proposal conflicts with these policies.

Conclusion

13. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR