



Appeal Decision

Site visit made on 7 August 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/B4215/Z/23/3319462

32 Oldham Road, Manchester M4 5FE

- 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 Cheshire Cheese Assets Ltd against the decision of Manchester City Council.
 - The application Ref 136118/AO/2023 dated 31 January 2023 was refused by notice dated 20 March 2023.
 - The advertisement proposed is a halo illuminated lettering fascia sign; retention of vinyl window signs x 8
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Decision

1. The appeal is allowed and express consent is granted for the display of a halo illuminated lettering fascia sign; retention of vinyl window signs x 8 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 following additional condition:
 1. The intensity of the illuminance of the advertisement shall be no greater than 20 candela/square metre.

Procedural Matters

2. The Regulations, National Planning Policy Framework and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account the policies cited in the decision notice. These seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

3. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The site is the ground floor commercial unit of a residential tower block on the southern side of Oldham Road, within the Ancoats Conservation Area (the CA). It sits close to the junction with Great Ancoats Street, alongside tall, modern tower blocks and among commercial ground floor uses. Further east the character of the street changes, particularly on the southern side within the CA. The buildings begin to take on a more traditional appearance due to their scale, form and design. However, at street level a range of commercial uses remains, with a wide variety of shopfront and signage styles present.

5. The proposal relates to the signage in place at the time of my visit. It includes a box fascia sign with halo illuminated lettering and vinyl window coverings. Policy DC14.5(e) of the Unitary Development Plan for the City of Manchester 1995 (the UDP) states that on buildings within Conservation Areas signs consisting of internally mounted letters will be preferred to box fascia signs.
6. However, the immediate area surrounding the site, both within and outside the CA, has a notably contemporary feel in which the box fascia sign and halo illuminated lettering do not appear out of place. In addition, further east along Oldham Road within the more traditional section of the CA I noted other examples of shopfront signage that similarly read as more box or tray like rather than being made up solely of internally mounted letters. Given this surrounding context, the box fascia sign and lettering of the proposal do not read as incongruous additions to the street or the CA.
7. While the placement of the dark, vinyl window signs cover much of the glazing at the premises, obscured street level glazing is not uncommon in the area. In the buildings immediately adjacent to and opposite the site internal signage and frosted glass are used on many ground floor units, with logos and details thereon obscuring views of associated premises. External vinyl stickers are also present on the windows of a food establishment further east along Oldham Road, such that the use of these coverings is not out of place within the CA.
8. In addition, the design of the building is such that at each storey a single dark, matte, exterior floor to ceiling panel is placed adjacent to one of the windows, which the vinyl stickers of the proposal appear to pick up on. As such, rather than reading as visual clutter that unduly interrupt the glazed area, the stickers appear to replicate this feature to a certain extent and thus assimilate with the overall design of the building.
9. The box fascia sign also serves to obscure some glass panels along the front elevation of the building. However, its central placement among ample retained elements of glazing and its separation from the stickers below ensure that, both on its own and in combination with the stickers, this does not overwhelm the front façade of the appeal property or unduly alter the character or legibility of the building as a whole.
10. The Council has raised concerns regarding the durability of the external vinyl windows stickers. However, I noted those at the site and elsewhere in the occupied units of the CA to be in a good state of repair. There is nothing substantive before me to suggest that this would not remain the case in the long term, that the stickers would degrade to such an extent as to be visually harmful to the property, street or CA, or that they could not be satisfactorily maintained. While the ground floor premises immediately adjacent to the site does contain ripped vinyl stickers, this unit appears to be unoccupied at present and on the evidence these are in the process of being removed. In any event, these stickers do not form part of the proposal before me.
11. I accept that that appeal site is a prominent frontage adjacent to one of the key radial routes of Manchester, close to the entrance to the CA. However, even acknowledging this, for the reasons above and considering the relationship of the site to neighbouring buildings and signage, the proposal would not appear out of place. As such, despite its prominent position it would not result in visual harm or clutter to the appeal property or to this section of Oldham Road and the CA.

12. My duty under section 72(1) requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Overall, the advert would not appear visually jarring in the vicinity but rather would assimilate within the surrounding context. It would respect the more contemporary character of the immediate section of the CA within which it is located, reflect the design of the building and the common surrounding feature of obscured street level glazing, and would result in signage of materials and styles similar to those present elsewhere nearby and in the CA. By nature of its siting and appearance, it would not therefore fail to preserve or enhance the character or appearance of the CA.
13. For the reasons given above I therefore find that the proposal would not have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would not harm amenity, there would be no conflict with Policies DC14, DC18.1 of E3.3 of the UDP; Policies DM1, EN1, EN3 and SP1 of the Manchester Local Development Framework Core Strategy Development Plan Document 2012, the National Planning Policy Framework or the and the Ancoats and New Islington Neighbourhood Development Framework insofar as they seek to ensure development, advertisements and shop fronts of good design that has regard for the character and appearance of the area and of major road routes, preserves and takes account of the historic environment, and supports active streets.

Other Matters

14. The Grade II Listed Victoria Square and 2 Oldham Road are within the vicinity of the site. However, the proposal was not refused by the Council due to any potential impact on the setting of these listed buildings. Based on my observations I have no reason to disagree or to find that the proposal would harm the setting of these buildings.
15. Reference has been made to other applications for signage at the site, one of which refused consent for a fascia sign similar to that proposed and the other which approved signage at the site but did not include vinyl window stickers. However, I must make my decision on the proposal as it appears before me and each scheme is decided on its own individual merits.

Conditions

16. I have imposed the standard conditions set out in the Regulations and the usual period of five years. The Council has suggested further conditions which I have considered. I have imposed a condition limiting the maximum luminance to 20 cd/square metre in the interests of amenity and highway safety. A condition relating to the approved plans is not necessary as I have granted express consent and, in any event, the proposal is already in place.

Conclusions

17. Having had regard to all matters raised, the appeal should be allowed subject to the conditions set out at paragraph 1 of this decision.

C Rafferty

INSPECTOR