



Appeal Decision

Site visit made on 29 August 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/B4215/Z/23/3320835

735 Ashton Old Road, Manchester M11 2HD

- 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 Samiul Choudhury against the decision of Manchester City Council.
 - The application Ref 136096/AOH/2023, dated 20 January 2023, was refused by notice dated 17 March 2023.
 - The advertisement proposed is digital 48 sheet (6m x 3m) on gable wall.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the development plan policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The effect of the advertisement on amenity.

Reasons for the Recommendation

5. Amenity is not defined within the Regulations. Nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For example, whether the proposed hoarding would be in scale and keeping with important features.

6. The appeal proposal would be located on a two-storey commercial property, which fronts onto Ashton Old Road, which is a busy radial route to and from Manchester City Centre. The site is located adjacent to a row of terraced properties, which are set-back from Ashton Old Road. There is an area of green open space located in front of the proposed display. The surrounding area is a mix of commercial and residential land use, with large commercial buildings and some residential buildings having commercial uses at ground floor level. From the evidence before me, there are a few consented large free standing digitally illuminated adverts along Ashton Old Road. However, digitally illuminated adverts on gable walls are not an established feature which make up the character of the area.
7. At the time of my visit to the site, it was devoid of any billboard. However, evidence submitted in support of the appeal does indicate that there was a large mounted advertisement on the site historically, although there is no record of consent having been granted for that display. The appellant considers that the site is an established site for an advertisement as the gable wall has supported a 48-sheet advert in the past and more recently has supported temporary business advertising. It is not clear if advertisements were present over an extended period or if they were periodically removed, as was the case at the time of my visit. Thus, the evidence is not conclusive on whether advertisements have been in situ.
8. Nevertheless, the advertisement proposal before me would be materially different from anything that previously existed in terms of its digital features. By virtue of the sequential format of displaying advertisements, with changing advertisements every 10 seconds or so, the proposed digital display panel would appear more prominent than any previous 48-sheet paper poster billboard.
9. The changing display would draw the eye to a much greater degree, and it would have a much more overtly commercial feel. This would appear incongruous in the context of the adjacent residential area, which is largely devoid of digital advertisement displays, particularly large billboards. The illuminated nature of the digital display would also make it more prominent and accentuate its impact on the street scene.
10. Whilst the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements, the proposal would be particularly prominent during the hours of darkness. From what I understand, the illumination would not exceed 300 candela per square metre. However, the presence of a large illuminated digital advertisement panel which is in front of an open green area would introduce a more commercial element to this locality. Consequently, I find that the proposal would have a harmful effect on the visual amenity of the area.
11. The appellant's suggested conditions which would require the signage to be turned off between the hours of 23:00 and 6:00 and a reduced night-time brightness of 150 candela per square metre is acknowledged. Whilst these would provide some mitigation of the harm arising from the proposal, it would not totally address the harm I have identified.

12. Finally, the appellant refers to a series of appeal decisions which allowed similar proposals¹. From what I understand, these appeals were for replacement of existing externally illuminated 48 sheet advertisements which is not the same as with the appeal before me. Furthermore, the inspector in each case had to consider if the proposal would be significantly more obtrusive than the existing advertisement hoarding. In any case, each application and appeal should be considered on its own merit, and these examples do not justify harmful development.
13. Taking all of the above into account, I conclude that the advertisement would have a harmful effect on the visual amenity of the area. It would also conflict with the overarching objectives of the Framework and saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1 and EN1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012). These policies seek to ensure that development for advertisements are well designed and sympathetic to the character and appearance of their location and the building to which they relate having regard to matters such as the effect on the amenity of the surrounding area.

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.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR

¹ APP/B4215/Z/21/3269485 – included at Appendix 1, APP/B4215/Z/21/3269491 and APP/B4215/Z/19/3243383