The Planning Inspectorate

Appeal Decision

Site visit made on 10 October 2023

by Elaine Moulton BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/B4215/Z/23/3314394
408 Stretford Road, Hulme, Manchester M15 4AE

- 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 Urban & Provincial Advertising Ltd against the decision of Manchester City Council.
- The application Ref 135312/AOH/2022, dated 25 October 2022, was refused by notice dated 12 December 2022.
- The advertisement proposed is conversion of existing poster advertisement to a D-Poster.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to the appeal and I have taken them into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issue is the effect of the proposal on amenity.

Reasons

4. The proposed advertisement would be sited on the side elevation of a short terrace of properties containing a hot food takeaway and public house. The area contains a mix of commercial premises, many with illuminated fascia signs, and residential units. Currently there is a non-illuminated large 'paper and paste' poster display on the appeal site.

5. The proposed advertisement would be the same size and in the same position as the existing. However, due to its internally illuminated and frequently changing display, it would be a more prominent feature within the street scene. The proposal would be seen amongst shop front fascia signs which, albeit illuminated, are much smaller in scale. The prominence of the proposal would be exacerbated in the evening and the hours of darkness, despite the presence of streetlights. Overall, the proposal would appear as an incongruous feature that would be harmful to the visual amenity of the area.

6. The proposal would face the upper floor apartments within the building opposite. The submitted evidence demonstrates that there would be sufficient separation to avoid harmful light spillage. Nonetheless, the proximity of the proposal and the frequent changing of the images would create a dominant visual intrusion that would harm the outlook of the occupants that overlook the appeal site.

7. In reaching my conclusions I have had regard to the examples of the digital advertisement displays, that the appellant has referred to, that have been approved in the wider area. I have also had regard to the before and after example site photographs and examples of D Posters in different lighting conditions that have been provided. However, such displays are largely in locations that are predominantly commercial in nature and, accordingly, they are not comparable to the context of the appeal proposal. Furthermore, as they are static images, the examples do not demonstrate that intermittent changing of the proposed illuminated display would not be harmful to the amenity of the appeal site and its surroundings.

8. I have considered the suggested controls regarding the use of light sensors to vary the brightness of the screen according to the brightness of the day, setting the level of illumination during the hours of darkness to 100 cd/m^2 and the switching off of the advertisement between 2300 and 0600. However, even at lower levels of luminance and in the absence of a display during the night, the proposed advertisement and the changing images would still be harmful to amenity.

9. I acknowledge the intention to retain the existing poster display should the appeal be dismissed. However, whilst not increasing the number advertisements, the proposal would be a much more striking feature than the existing sign and would be significantly more harmful to the amenity of the area and the outlook of neighbouring occupants as a result.

10. Accordingly, for the above reasons, the proposal would unacceptably harm amenity. There would be conflict with Policies DC15.1 and DC 15.2 of The Unitary Development Plan for the City of Manchester and Policies EN1, SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document, which together, amongst other things, seek to protect local amenity.

Other Matters

11. The appellant has put forward a number of benefits of a digital display including, reduction in waste by avoiding the need to print posters, reduction in vehicle trips associated with replacing posters, ability to broadcast emergency messaging, use for non-commercial campaigns, more creative real time and locally relevant advertising and the opportunity to integrate additional hardware to meet Smart City objectives. Nevertheless, as set out above, advertisements are subject to control only in the interests of amenity and public safety and in any event such benefits, either individually or in combination, do not outweigh my conclusion on the main issue.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR