



Appeal Decision

Site visit made on 17 September 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/Q4245/Z/24/3345922
189 Cross Street, Trafford, Sale M33 7JG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations), against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Trafford Metropolitan Borough Council.
 - The application reference is 112968/ADV/24.
 - The advertisement proposed is described as 'Erection of D-Poster Advertisement on gable end'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Those powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety. The Council has drawn my attention to those local and national policies that it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, in my determination of this appeal, these policies have not in themselves, been decisive.

Main Issue

3. There is no dispute between the main parties that the proposal would not cause harm to public safety, subject to the imposition of planning conditions, as advised by the Highway Authority. I have no reason to disagree. The main issue is therefore the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The appeal site is the gable end of a terraced property on the corner of Cross Street (the A56) and Elm Grove. Cross Street is a main arterial route through Trafford, while Elm Grove is a residential street, with no through route. The appeal property forms part of a shopping parade fronting onto Cross Street, with shop frontages incorporating signage at ground floor level. The wider area is a mix of both commercial and residential uses.

5. The gable end of No 189 is prominent when travelling south along Cross Street. While the proposed advertisement would not overhang or protrude beyond the envelope of the building, nevertheless, because of its large size and position at first floor, it would dominate this side elevation. Further, it would add a third advertisement to this gable end, as there is already signage incorporated into the shop front where it extends onto Elm Grove, and a further sign at first floor level. The resulting extent of advertisements to this modestly sized gable elevation, would cause an unacceptable level of visual harm to the appearance of the host property. As it would be prominently located, it would consequently harm the amenity of the wider area also.
6. Advertisements, along with street furniture, are not uncommon in the area, given its mixed character. An array of differing signage exists along Cross Street, including some at first floor level and to the gable end of other terraced properties. However, where they are located on similarly sized terraced properties to the appeal scheme, these advertisements are smaller in size than that proposed, and they are not illuminated. I did observe some illuminated digital advertisements, such as those referenced by the appellant near to Magnet and the Shell garage. However, these were ground mounted, adjacent to the carriageway and of a smaller size than the appeal scheme.
7. As such, while I accept that advertisements form part of the character of the area, and I do not consider that the proposal would in itself cause harm by way of cumulative advertisement clutter in the wider locality, this does not allay my concerns with the appeal scheme in terms of its size and position, and the resultant impact on the amenity of the appeal building as set out above.
8. The advertisement display would be static, with no special effects, animation, movement or flashing lights. The level of illumination would be controlled using embedded ambient light sensors, and levels would accord with the guidance set out by the Institute of Lighting Professionals. As a result, it may be that during the day, the proposal could mimic a more traditional paper and paste advertisement. However, this would not address my concerns with the scale and position of the proposed advertisement, the obtrusive appearance of which would be compounded by its illumination, more so during the evening and night, and frequently changing images, which would draw the eye of passersby.
9. The appellant has brought to my attention examples of other similarly sized advertisements throughout the country. However, for many of these examples, I have only been provided with the decision notice and not the reasoning as to why advertisement consent was granted in each case. As such, I cannot be certain that the circumstances were directly comparable.
10. The example provided at Ilkeston does include the associated appeal decision. However, in that case, there was a poster advertisement already in situ, the lawfulness of which was not disputed, and to which the Inspector gave significant weight in his deliberations. There is no existing poster display on the appeal building and so the circumstances are not the same. In any event, as I am required to determine the appeal with regards to amenity, I have considered this proposal in the context of the character and appearance of the appeal building and its immediate surroundings.

11. Accordingly, the proposal would be harmful to the amenity of the area. I have taken into account DPD¹ Policy JP-P1, which requires, amongst other things, that new development is well-integrated and respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used. I have also had regard to the Council's Supplementary Planning Guidelines for advertisements, which seek to ensure that such proposals do not appear unduly obtrusive, as well as the National Planning Policy Framework which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. As I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

12. The proposed advertisement would not be close to or face directly onto any residential properties, nor would it be within a conservation area. No listed buildings have been drawn to my attention.
13. The appellant has highlighted a number of benefits associated with new digital display technology, both for the industry and for the wider public. These include; durability and ease of construction, the ability to carry multiple adverts which will cater for demand and reduce the pressure for new locations through rationalisation, a reduction in vehicle trips and waste associated with reposting traditional poster hoardings, flexibility, high quality and robust designs, well maintained sites and biodiversity net gains where the site allows, an uplift in business rates, platforms for broadcasting emergency messaging, and integration of additional hardware to meet Smart City objectives.
14. However, it is not clear from the information before me that the appeal scheme itself would deliver all of these benefits. The appeal proposal does not involve the replacement of a traditional poster hoarding at this location and while there may be a national trend showing the number of advertisements are reducing, there is no firm evidence before me confirming that as a result of this new advertisement, others would be removed or consolidated. No biodiversity net gain measures are before me, or any reference to additional hardware. I afford these benefits limited weight. This would not be sufficient to outweigh the harm identified in relation to the main issue.

Conclusion

15. For the reasons given above I conclude that the display of the advertisement would harm the amenity of the area. Therefore, the appeal should be dismissed.

S Brook

INSPECTOR

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, adopted March 2024.