The Planning Inspectorate

Appeal Decision

Site visit made on 23 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2020

Appeal Ref: APP/B4215/Z/20/3251357
298 Oxford Road, Manchester, M13 9NS

- 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 JCDecaux UK against the decision of Manchester City Council.
- The application Ref 126063/AOH/2020, dated 29 January 2020, was refused by notice dated 6 April 2020.
- The advertisement proposed is described as *"removal of one internally illuminated sequential advertisement and the installation of an internally illuminated sequential digital display on the flank wall of 298 Oxford Road"*.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under 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.

3. The site has been subject to a recent dismissed appeal decision (ref APP/B4215/Z/19/3235489) that is dated 25 October 2019. That scheme also proposed an LED advertisement in a similar position, albeit a deeper unit was proposed. Given the similarities between that scheme and the current appeal proposal, I attach significant weight to the previous Inspector's findings.

Main Issue

4. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

5. The proposal would introduce an LED advertisement with a sequential display on the flank wall of No 298 Oxford Road. The host property is three-stories in height and forms part of a retail parade that has a traditional appearance.

6. The proposal would replace an existing 48-sheet advertisement at the site that mechanically alternates a series of static images in sequence. The existing display does not benefit from express consent, albeit the appellant has provided evidence that it has been in situ for more than 10 years. The

previous Inspector referred to a dispute between the parties as to whether the existing sign benefitted from deemed consent. However, the Council has not raised this matter in its submissions to this appeal, and it further states that it served a Discontinuance Notice in relation to the existing display on 18th March 2020. In this regard, discontinuance action deals only with advertisements being displayed with deemed consent.

7. Oxford Road is an arterial route into Manchester city centre with high volumes of both vehicular and pedestrian traffic. Due to the alignment of the road in this location, the flank wall to No 298 is visible for a considerable distance to the north west. The existing advertisement is a large prominent feature that obscures much of the flank wall of the host building. Whilst the surrounding area is dominated by commercial and educational uses, there are no other examples of similar advertisements of this size and prominence in the vicinity.

8. The appeal proposal would replace the existing advertisement with a larger LED display, as is illustrated on the submitted plans. In addition, its prominence would be amplified by the proposed LED design, and it would become far more eye catching and noticeable than at present. This would be particularly the case during the hours of darkness when it would become a dominant feature in an area that currently lacks this type of advertisement. In my view, it would be an overbearing and discordant feature within the street that would appear out of scale with the host building. Whilst the development would involve the removal of the existing gantry, that is a relatively lightweight structure that is partially obscured from view by existing planting and street furniture. Its removal would not outweigh the harm associated with the proposal in my view.

9. It is unclear whether the Discontinuance Notice which the Council states it has served has come into effect. However, even if it has not, the appeal proposal would be both larger and more striking than the existing display and would be significantly more harmful to visual amenity in my view.

10. My attention has been drawn to a recent appeal decision[1] in Trafford that also proposed the replacement of an existing advertisement with an LED display. However, the full details of that case, including its surrounding context, are not before me and so it is unclear whether there is any direct comparability to the current proposal. I have therefore assessed this appeal on its own merits, having regard to this particular location and the available evidence.

11. A number of conditions have been suggested by the appellant that would control the illumination and frequency/method of change. However, these conditions would not overcome my concerns, as set out above.

12. For the above reasons, I conclude that the proposed advertisement would be detrimental to the interests of visual amenity. I have taken into account saved Policy DC15 of the Unitary Development Plan for the City of Manchester (1995) and Policies SP 1, DM 1 and EN 1 of the Manchester Core Strategy (2012), which seek to protect amenity and so are material in this case. Given I have concluded that the proposal is harmful to amenity, it also conflicts with these policies.

[1] APP/Q4245/Z/20/3245041

Other Matter

13. The proposed advertisement would be set back from the edge of the carriageway and would be in an elevated position. The Highway Authority has not objected to the development on public safety grounds and I see no reason to take a different view.

Conclusion

14. As set out above, I consider that the appeal proposal would be detrimental to the interests of visual amenity. Whilst it would provide some modest environmental benefits compared to the existing advertisement, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR