The Planning Inspectorate

Appeal Decision

Site visit made on 26 February 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/B4215/Z/19/3243328
1370 Oldham Road, Manchester M40 1EZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) against a refusal to grant express consent.
- The appeal is made by Mr Naheed Ahmed of NAC Manchester Ltd and Mass Media Ltd against the decision of Manchester City Council.
- The application Ref 124873/AOH/2019, dated 18 September 2019, was refused by notice dated 13 November 2019.
- The advertisement proposed is described as "Installation of 2 metre high, pole mounted, double sided LED digital display sign".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on (i) the visual amenity of the area and (ii) the living conditions of the occupiers of neighbouring properties with regard to outlook.

Reasons

Visual amenity

3. The area is characterised by a mix of commercial and residential properties which straddle the busy highway of Oldham Road. The appeal site fronts onto Oldham Road with the advertisement proposed to be located adjacent to the highway in a prominent position when viewed on approaches from the west and east.

4. The Planning Practice Guidance[1] (PPG) indicates that advertisements might be permitted in commercial areas of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

5. However, as set out in the Regulations, advertisements should be subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality. This is reflected in Paragraph 132 of the National Planning Policy Framework (the Framework). Therefore, as the PPG explains, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features,

[1] Paragraph: 079 Reference ID: 18b-079-20140306

consideration should be given to whether it is in scale and in keeping with these features.

6. The proposed advertisement would be overly large and appear as an intrusive feature within the surrounding area. There are a number of advertisements associated with existing commercial properties visible along Oldham Road, which are mostly modest in scale. The proposed advertisement would be excessively large and dominating when compared to other advertisements and would not be in keeping with the overall architectural style of the surrounding area.

7. I therefore find, due to its size and prominent location, that the proposed advertisement would be an incongruous feature which would have a harmful effect on visual amenity. As such, it would conflict with Policies DC15.1, DC15.2 and E3.3 of the Unitary Development Plan for the City of Manchester (UDP), Policies EN1, SP1 and DM1 of the Manchester's Local Development Framework Core Strategy Development Plan Document (CS) and the Framework which, amongst other things, seek advertisements to be in scale with the locality, be of good design and have regard to character.

8. I have had regard to the appellants statement of case including reference to a previous advertisement on the site. This previous advertisement has been described as being larger in height and size, double sided and had been in position for some 20 years. However, I do not have full details of this previous advertisement and so cannot be sure that it represents a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits. The appellant has also referred to Planning Policy Guidance 19 which has been replaced by the Framework and my assessment of the proposal is against current development plan policies and the Framework.

9. The appellant has also suggested a number of planning conditions including limiting the proposal to 5 years and restricting the luminance levels and timings of the digital images. These matters however would not outweigh the harm identified above.

Living conditions

10. The nearest residential properties to the appeal site are those at Dob Brook Close which are located a significant distance away from the proposed advertisement. The advertisement would have digital changing images however, the advertisement is angled away from the properties at Dob Brook Close and would not be highly visible from these houses.

11. Whilst the advertisements are large in scale and height, given the distance between the appeal site and the residential properties including the positioning of the advertisement, the proposal would not have an adverse effect on the outlook of neighbouring occupiers.

12. Accordingly, the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to outlook. The proposal would accord with Policies DC15.1, DC15.2 and E3.3 of the UDP, Policies EN1, SP1 and DM1 of the CS and the Framework which, amongst other things, seeks proposals to make a positive contribution to health and wellbeing of residents through good design.

13. Although I have found that the proposed advertisement would not have an adverse effect on the living conditions of neighbouring occupiers this would not outweigh the harm I have identified with regards to visual amenity.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR