



Appeal Decision

Site visit made on 25 April 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/B4215/Z/23/3330374

277, 279 and 281 Oldham Road, Manchester

- 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 Wildstone Estates Limited against the decision of Manchester City Council.
 - The application Ref 137403/AOH/2023 dated 19 June 2023 was refused by notice dated 16 August 2023.
 - The advertisement proposed is the conversion of 2no. externally illuminated advertisement displays to 1no. internally illuminated advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. The Regulations, Framework and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account the policies cited in the decision notice. These seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site is an area of open land located on the northwestern side of Oldham Road. While residential dwellings are located opposite, the immediate section of this northwestern part of Oldham Road is defined primarily by a range of commercial uses and open land, featuring a variety of signage that is predominantly non-illuminated or externally illuminated. The exception to this is the two internally illuminated advertisement displays immediately to the north-east of the site, which are notable in the surrounds due to their contemporary appearance. The appellant's evidence and submitted plans

demonstrate that the appeal site is an established location for advertisements, having housed two externally illuminated advertisement displays. At the time of my visit these displays were not in place.

6. The proposal seeks to erect a single internally illuminated advertisement display. Compared to the displays previously at the site, this would serve to reduce the number of advertisements in this location, replicating the scale and positioning of one of the former panels at the site set back from Oldham Road. The display would be illuminated in line with the levels recommended by the Institute of Lighting Professionals. It would display static images on rotation with each advertisement changing instantly no more than once every 10 seconds. These matters could be secured by condition.
7. However, even acknowledging the controls suggested in these respects, and the evidence submitted showing the proposed illumination in different light levels, including that during the day the advert would mirror the illumination of a traditional poster display, it remains that even as a singular display the proposal would be more prominent than the pair previously at the site, particularly during lower light levels. Its internal illumination and changing images would result in the proposal being a more dominant feature within the immediate area, even accounting for the reduction in the number of displays.
8. I note the presence of the two internally illuminated advertisement displays immediately adjacent to the site. The proposal would visually combine with these to create a notable cluster of sizeable, internally illuminated features in the immediate area. Rather than serving to aid in assimilating the proposal in the area, the resulting combination of three internally illuminated displays in such close proximity would appear unduly obtrusive and visually jarring in context, particularly given the predominantly non-illuminated or externally illuminated nature of signage on this immediate stretch of Oldham Road.
9. Visibility of the proposal would be somewhat limited when travelling north-east along Oldham Road. However, clear views of it in combination with the existing adjacent displays would be afforded when travelling south-west. From this direction, even alongside the wider signage, street furniture and street lighting of Oldham Road, the resulting grouping of internally illuminated features would read as unduly dominant within the immediate streetscape.
10. I find that the proposal would have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would harm visual amenity, it would also fail to comply with Policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester 1995; Policies DM1, EN1 and SP1 of the Manchester Local Development Framework Core Strategy Development Plan Document 2012, and the Framework insofar as they seek to ensure development and advertisements of good design that have regard for the character and appearance of the area.

Other Matters

11. On the evidence before me the presence of two, externally illuminated displays at the site would represent a realistic fallback position in the event that the proposal were refused. I acknowledge this to be the case, nevertheless it remains for the reasons outlined above that the proposal would cause greater harm to visual amenity than two such externally illuminated displays.

12. Main parties agree that the proposal would not impact on heritage assets or public safety. Based on my observations I have no reason to disagree, this is a lack of harm that is neutral in the planning balance.
13. The appellant submits various benefits of the proposal, to which I have had regard. This includes the ability for the site to carry multiple ads, reducing the pressure for new locations as part of a nationwide campaign to reduce advertisements. This would also reduce travel to adverts for reposting when compared with the former displays at the site, resulting in noise, air quality and climate benefits, and reduced waste from the poster production process. It would permit an uplift in business rates to spend on public services and, where possible, could integrate additional hardware to meet smart city objectives. The proposal would also provide a platform to broadcast emergency messages. Given the single advert nature of the proposal such benefits are overall limited.
14. The appellant has provided a copy of an appeal decision granting planning permission for a similar scheme, in addition to furnishing examples of other locations in the area with similar displays. However, I have limited information before me on the precise nature of these sites or their surrounds. In any event each scheme should be assessed on its own site specific merits and reference to development elsewhere will carry limited weight.
15. I note that the proposal would represent an upgrade when compared with the dated displays previously at the site, which could assist in upgrading the major roads and routes of the city. This benefit is acknowledged. However, even when taken together with the other matters outlined above, this would not outweigh the harm identified to visual amenity.

Conclusions

16. Having had regard to all matters raised, the appeal should be dismissed.

C Rafferty

INSPECTOR