
Appeal Decision

Site visit made on 10 January 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th February 2023

Appeal Ref: APP/B4215/Z/22/3305636

Corner of London Road and Altrincham Street, Manchester M1 2PW

- 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 Network Rail against the decision of Manchester City Council.
 - The application Ref 133376/AOH/2022, dated 24 March 2022, was refused by notice dated 29 June 2022.
 - The advertisement proposed is 48 sheet LED digital billboard replacing 48 sheet static billboard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing and proposed drawings incorrectly depict the viaduct structure by omitting an existing infilled arch, thereby appearing to compress the extent of the viaduct behind the advertisement. I have therefore based my decision on the situation of the existing hoarding that I observed when on site.
3. The Council's decision notice refers to the National Planning Policy Framework's (the Framework) policy on balancing any less than substantial harm to a heritage asset's significance with any public benefits. In response the appellant has described what they consider to be public benefits of the proposal. Whilst I have taken any matters relevant to amenity into account, this is not relevant to this appeal under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) as that Framework policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)¹.
4. Any disagreement about the legal status of the existing advertisement is a matter for the main parties and it is not an issue for me to reach a finding on its lawfulness in determining this appeal for a proposed advertisement.
5. The reason for refusal does not indicate that public safety would be harmed.

Main Issue

6. Therefore, the main issue raised by this appeal is the effect the advertisement would have on amenity, having regard to the grade II listed status of the Manchester South Junction and Altrincham Railway Viaduct (the Viaduct) and

¹ Framework paragraph 189, footnote 67.

the character and appearance of the Whitworth Street Conservation Area (WSCA).

Reasons

7. The Viaduct is a 1¾ mile long structure incorporating arches and bridges. It derives particular significance in terms of its design interest, age and its group value with other railway infrastructure and as such makes an important contribution to the amenity of the area.
8. The WSCA includes the historic buildings and spaces to the north of the Viaduct. This rich, attractive and historic urban townscape makes an important contribution to its significance. The Viaduct forms a strong physical boundary to the area both enclosing and defining the distinctive cityscape but also affording important gateways and views into and out of the WSCA by way of the bridges and open railway arches along its length.
9. The proposed hoarding would occupy a prominent location high up on the Viaduct where London Road passes under it. Its mass and extent would cover up the historic brick masonry of the Viaduct. In particular it would extend over part of the adjacent arch at one corner and cover brick pier details on the bridge abutment at the other. This would give it a particularly awkward and incongruous appearance in relation to the Viaduct's architectural detailing. Notwithstanding that it would only affect part of the vast structure and partially obscure one of its hundreds of arches, it would nevertheless harm the appearance of the Viaduct. Its prominent location would also create an intrusive feature in the street scene on the approach, through the London Street bridge, into the distinctive townscape beyond.
10. Its conspicuous position would make it appear as a discordant element at the edge of the WSCA's historic and attractive streetscapes. The advertisement would not be in scale or keeping with the neighbourhood's important scenic, historic, architectural and cultural features. I am required by the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the WSCA, in this case so far as it relates to the consideration of amenity. In doing so the advertisement would neither preserve nor enhance the appearance of the WSCA and harm the amenity of the area.
11. I have taken account of Core Strategy² Policies CC 9, DM 1 and SP 1. Together and amongst other requirements, these seek to preserve or enhance the City's listed buildings and conservation areas, have regard to siting, scale, form and appearance, and create well designed places that enhance or create character. I have also taken account of saved UDP³ Policies DC15.1, DC15.2, DC18.1 and DC19.1 which, amongst other criteria, seeks unobtrusive advertisements which do not harm buildings' architectural features, to avoid adverse effects on listed buildings' architectural and historic character, and the preservation or enhancement of conservation areas. Given that I have concluded that the advertisement would harm amenity, the proposal would conflict with these policies. For the same reason it would not accord with the Guide to Development's⁴ provisions for preserving conservation areas.

² Manchester's Local Development Framework - Core Strategy Development Plan Document, 2012.

³ The Manchester Plan – The Unitary Development Plan for the City of Manchester, 1995.

⁴ Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, 2007.

12. However, Core Strategy Policy EN 1's and EN 3's specific City Centre Character Area and heritage development requirements are less pertinent to this proposal.
13. I have taken into account the relevant factor that the Framework⁵ recognises that the quality and character of places can suffer when advertisements are poorly sited and designed, and that would be the case with this proposal.

Existing hoarding on site

14. Although the Council's delegated report makes generalised reference to enforcement options there is no information before me that they have served, or intend to serve, a discontinuance notice in respect of the existing internally illuminated hoarding that occupies the site. Nor is there any indication that there is a reasonable likelihood that it would be removed. The existing advertisement is therefore a consideration that carries some weight in support of the proposal given the similarity in situation and size between existing and proposed.
15. Many of the adverse effects of the proposed sign would be shared with that already in situ. However, there would be a difference in the appearance of the existing and proposed displays. The current sign appears to be back lit with a softer and more diffuse appearance than that of other LED displays I noted in the wider vicinity, including that farther down London Road next to a flyover.
16. The proposed sign would catch the eye in a more strident fashion and in doing so exacerbate the intrusive effect of signage on the appearance of the historic structure and area. Although the difference would be relatively subtle, the more strident appearance of the LED display would have a materially more harmful effect on the amenity of the area in terms of its appearance and its effect on the listed Viaduct and the WSCA, which it would neither preserve nor enhance.
17. Therefore, whilst the existing arrangement shares many of the proposal's harmful effects, they are not so all encompassing and extensive as to make the proposal acceptable in its context. Any advantages in terms of maintenance and management the proposal may have would largely be benefits for the operator given the maintenance and amenity requirements of the standard condition that any grant of express consent would be subject to⁶.

Regeneration

18. Although the refusal reason refers to the Manchester Piccadilly Strategic Regeneration Framework, that shows the site to be outside the Piccadilly Central boundary. Although the Council's delegated report refers to the Mayfield and North Campus Regeneration Frameworks, in the absence of detailed proposals it is not possible to conclude how the proposal's adverse effect on amenity now would necessarily adversely affect the implementation of these regeneration scheme in the future. In any event the Regulations and Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, this does not carry any weight against the proposal.

⁵ Paragraph 136.

⁶ Schedule 2, paragraph 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Removal of advertisement hoarding opposite

19. The proposal includes the removal of a free-standing advertisement hoarding on the opposite side of London Road. However, there is no mechanism before me that would secure its removal, make good that site or prevent reinstallation of other signage in the future. Furthermore, I have only very limited information about that advertisement's ownership, planning status and the Council's attitude towards it. I have considered whether its removal could be achieved by way of a negatively worded condition. However, there is insufficient information before me to conclude that such a condition would meet the Framework tests⁷. Consequently, this element of the scheme cannot carry any weight in support of the proposal in the circumstances.

Other matters

20. The appellant has drawn my attention to a number of other advertisements and signs, including some elsewhere on the listed Viaduct. However, I have no information about their status, lawfulness or, if they benefit from consent, the circumstances and considerations that led to their acceptability. I have considered the appeal proposal on its own particular merits and those other signs do not convince me that the proposal would be acceptable.
21. The billboard farther along London Road is freestanding and set close to a motorway flyover as opposed to the historic structure the proposal would be affixed to. As well as being some distance from the city centre, those on Waterloo Road would be in a very different setting adjacent to screening to an industrial area. The sign across Mancunian Way bridges a dual carriage way in a cutting and the Deansgate Interchange sign is located on a traffic island with a backdrop of C20 tower blocks. The location of the replacement advertisements approved on Hyde Road is materially different to that proposed and it has not been suggested that the railway structure at Chancellor Lane is listed or in a conservation area. Consequently, none of these other examples are comparable to the site and situation proposed. Having considered this proposal in light of its particular circumstances and context, they do not lead me to conclude that the proposal would be otherwise acceptable.
22. Proposed measures to limit levels of illumination, avoid moving images, ensuring instantaneous display changes and a minimum length of image display would not alleviate the harm that would arise to amenity.

Conclusion

23. For the above reasons, the proposal would harm amenity and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

⁷ Paragraph 56.