

Appeal Decision

Site visit made on 25 July 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 10 August 2016

Appeal Ref: APP/P4605/Z/16/3147400

6 Mr Tyre Ltd, New John Street, Birmingham B6 4LD

- 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 Mr Ben Porte of Insite Poster Properties Ltd against the decision of Birmingham City Council.
 - The application Ref 2015/10138/PA, dated 10 December 2015, was refused by notice dated 10 February 2016.
 - The advertisement proposed is the replacement of existing 48 sheet landscape advertising hoarding with portrait digital LED display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the advertisement on visual amenity.

Reasons

3. The proposed advertisement would replace an existing west facing 48 sheet hoarding. The existing east facing 48 sheet hoarding would remain in place. The proposed advert would be portrait in orientation and at its highest point would be 11.7 metres tall, when measured from the ground.
 4. The advertisement would be within an industrial area and within close proximity to Newtown Middleway; a multi-lane carriageway. The Planning Practice Guidance (PPG) prefers advertisements to be located in commercial or industrial areas. In principle, therefore, the location of the advertisement within an industrial area is acceptable.
 5. Notwithstanding this, the advertisement would be viewed from the west, within the foreground of and near to existing industrial buildings. Whilst not isolated, the advertisement would exceed both the height of the 48 sheet hoarding to be retained and the roof line of the buildings immediately south of the proposal. Together with the industrial buildings to the east which the advertisement would exceed the height of in local views, the advertisement would be a prominent feature, out of keeping with the scale of its surroundings. Consequently the proposal would be harmful to visual amenity; the harm intensified by the luminance of the sign and its changing digital images.
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6. I appreciate that a pre-requisite for advertisements is to be noticeable, however, at the same time, in accordance with the PPG, advertisements should respect the visual amenity of an area. The Council has referred to its development plan policies (Policies 3.8, 3.10 and 3.14D of the Local Plan¹) and the Council's Guidelines² which require development to not have an adverse effect on the quality of the local environment. Whilst decisions in respect of advertisements may only be considered in relation to amenity and public safety, as the policies relate to visual amenity and they accord with the PPG, I have taken them into account as they are material in this case. Given that I have concluded that the proposal would be harmful to visual amenity, the proposal would conflict with these policies.
7. In reaching this conclusion I have taken into account Ref 2015/06301/PA which granted express consent for a digital display on the site. However being landscape in orientation, the sign does not make for a fair comparison with the current proposal which is portrait in orientation.
8. I have also had regard to the examples of precedent provided by the appellant. Whilst the evidence before me suggests that these examples are alongside equally busy highways, the street scenes together with the forms of signs are not the same as proposed. Inevitably too, these advertisements would have been determined on their own particular merits and therefore do not necessarily set a precedent for this site.

Conclusion

9. For the reasons given above I conclude that the proposed advertisement would be detrimental to the interests of visual amenity and therefore the appeal is dismissed.

R Walmsley

INSPECTOR

¹ Birmingham Unitary Development Plan 2005 (incorporating alterations approved by the City Council for adoption on 11 October 2005)

² Birmingham City Council, Location of Advertisement Hoardings (DC Guidelines No.40)
