

Appeal Decision

Site visit made on 27 September 2016

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 04 October 2016

Appeal Ref: APP/P4605/Z/16/3153971

Unit 9F, The Water's Edge, Brindley Place, Birmingham, B1 2AB

- 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 Smokehaus Ltd against the decision of Birmingham City Council.
 - The application Ref 2016/01582/PA was refused by notice dated 18 May 2016.
 - The 2 advertisements are a backlit sign on the gable end of the front (north-eastern) elevation above the first floor windows and a sign above the entrance on the side (north-western) elevation.
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Decision

1. That part of the appeal that relates to the backlit sign on the gable end of the front (north-eastern) elevation above the first floor windows is dismissed.
2. That part of the appeal that relates to the sign above the entrance on the side (north-western) elevation as applied for is allowed and express consent is granted for its display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issue

3. The Council granted consent for 3 fascia signs and 1 hanging sign on the building at Unit 9F, but refused consent for an illuminated fascia sign on the front elevation and a sign on the side elevation above the entrance. All 6 advertisements are now in place on the building.
4. The main issue is therefore the effect of the 2 advertisements that were refused consent on the character and appearance of the host building and the area.

Reasons

5. The appeal building is within a busy commercial area in the heart of the city, and there are a number of restaurants and cafes in the immediate vicinity. Unit 9F is a first floor restaurant with an entrance at the side in a prominent position facing Central Square. The first floor front gable of the building is also highly prominent as seen from the approach across the canal bridge from the International Convention Centre.
 6. The sign above the side entrance replicates the shape of one of the circular windows, which are a distinctive design feature of the building. However, only the end part of the building is visible from long views in Central Square. The
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obscuring of the end circular window by a circular vinyl sticker sign of a similar size does not significantly diminish the design quality of the host building or its contribution to the character and appearance of the area. The sign also does not appear out of place or excessive in combination with the hanging sign and lettering on the side elevation, or in the context of signage at other restaurants nearby.

7. Paragraph 67 of the National Planning Policy Framework says that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In the case of the sign above the side entrance, there would not be an adverse impact on the visual amenity of the area on account of its position at the end of the side elevation of the building, and its shape and size responding to the circular window.
8. I now turn to the sign at the front of the building above the first floor windows. The sign in place is a large rectangular block sign that visibly protrudes from the front wall. It appears as an overly large, conspicuous and unsympathetic feature in terms of its significant dimensions and its block shape sitting above the arched windows and within the angled brickwork feature below the apex of the gable.
9. The sign is poorly placed in these respects and it has a negative impact on the host building and the character and appearance of the area contrary to the objectives of paragraph 67 of the Framework. It does not meet one of the core planning principles in paragraph 17 of the Framework to always seek to secure high quality design.
10. The parties refer to signs relating to a former business at Unit 9F, but the Council indicates that there is no history of consent for these signs, and they are no longer in place. It is also clear from photographs that the block sign at the front materially differs from the individual lettering of the previous sign. I have therefore judged the appeal signs on their own individual merits.
11. Although the Council refers to development plan policies, the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. The development plan policies cannot be decisive, but I have taken them into account as material considerations.
12. Taking into account my findings above, the backlit sign on the gable end of the front (north-eastern) elevation above the first floor windows is unacceptable. This aspect of the appeal is therefore dismissed.
13. The sign above the entrance on the side (north-western) elevation is acceptable, and this aspect of the appeal is allowed subject to the standard advertisement conditions.

Sue Glover

INSPECTOR