
Appeal Decision

Site visit made on 11 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 17 November 2016

Appeal Ref: APP/P4605/Z/16/3155207

Land at Loveday Street, St Chads Queensway, Birmingham, B4 6NP.

- 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 Thomas Johnston of JCDecaux UK against the decision of Birmingham City Council.
 - The application Ref 2016/03424/PA, dated 19 April 2016, was refused by notice dated 29 June 2016.
 - The advertisement proposed is an internally illuminated digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on amenity, having particular regard to the character and appearance of the area and the setting of nearby listed buildings.

Reasons

3. The advertisement would be sited within a small landscaped area adjacent to the steps that allow access between Loveday Street and St Chads Queensway. The advertisement would be elevated and prominently located to face St Chads Queensway, which is a very busy road through the centre of Birmingham. Loveday Street appears to be a much quieter side street and it is at a lower level than St Chads Queensway.
 4. Opposite the site, there are a number of buildings that are Grade II listed, which include the Bulls Head, 44 Loveday Street and 44A, 44B and 45-49 Loveday Street. Together the buildings form a visually cohesive group of late 18th Century three storey buildings. The list descriptions state the buildings comprise a virtually unique survival of buildings of this type and age within the City Centre. I note that the appellant states that the Welsh Congregational Church is listed but I have not been provided with any evidence to substantiate this.
 5. Approaching the appeal site on St Chads Queensway, from the direction of the City Centre, the listed buildings on Loveday Street are mainly screened from view due to the difference in levels and intervening buildings and landscaping. Consequently, the main setting and where the Bulls Head and the other listed buildings are experienced from is Loveday Street itself. The setting of the listed buildings including their relationship to each other as an important and
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visually cohesive group, the topography and the positive contribution of these heritage assets to the local streetscene are important to their significance. The trees and landscaping on the appeal site partially screen and soften the visual impact of the elevated nature of St Chads Queensway and the traffic on it. From this road glimpsed views of the Bulls Head and No 44 are possible across the appeal site especially in winter months when the landscaping is not in leaf. As such the appeal site makes a positive contribution as part of the setting of the listed buildings.

6. There is an existing proliferation of advertisements on the appeal site side of St Chads Queensway. This includes 3 large hoardings, 1 of which would be removed, and a large digital advertisement on Lench Street. There is also a number of smaller totem signs one being within close proximity to the appeal site in the walkway of St Chads Queensway itself. There is also a proliferation of road signage within the immediate vicinity.
7. I acknowledge that St Chads Queensway is a major thoroughfare within the City Centre and that there are large and dominant buildings adjacent to it including those on the opposite side to the appeal site. However, when viewed from St Chads Queensway, approaching from the direction of the City Centre, the proposal would not be seen in context with these buildings. The distance of the appeal site from the University and Council buildings means that the scale of those buildings is not a prominent feature in the context of the appeal site. Taking into account the size and height of the proposal, its elevated position and its siting I consider that it would be an unduly obtrusive and dominant feature that would harm the character and appearance of the area.
8. The appellant has stated that the foliage on the site is to be maintained. However, the existing trees are in close proximity to the steps and the proposed siting of the advertisement. I have no detailed evidence before me to satisfactorily demonstrate that the siting of the proposal would not compromise the long-term retention of the trees. The potential loss of the trees would mean that when viewed from St Chads Queensway the proposal would be seen in conjunction with the Bulls Head and No 44 and the large digital advertisement on Lench Street. Consequently, the advertisement would be within the overall setting of the Bulls Head and No 44.
9. Whilst the advertisement itself would have a neutral impact on the main setting (when experienced from Loveday Street) of the Bulls Head and No 44, I consider that it would adversely affect the overall setting including the experience and views of these 2 listed buildings from St Chads Queensway taking into account the cumulative impact with the large digital advertisement on Lench Street. Moreover, the potential loss of the trees would remove the positive contribution that they make to the setting of the listed buildings and the character of the area.
10. I acknowledge that the appellant proposes to remove 2 hoardings one on either side of St Chads Queensway. However, whilst the removal of the 2 existing hoardings would equate to an overall reduction in the amount of advertising, the one hoarding to be removed is on the opposite side of St Chads Queensway. Moreover, the proposed advertisement would be in closer proximity to the listed buildings, the large digital advertisement and the totem sign, which I have found would harm the setting of the listed buildings.

11. I conclude that the proposal would cause harm to amenity, the character and appearance of the area and the setting of nearby listed buildings, due to its size, height, siting, and contribution to visual clutter in this prominent and sensitive location. This would not be mitigated by the removal of the 2 hoardings, the massing of buildings on the opposite side of St Chads Queensway or the University and Council buildings, the proposed luminance levels of the advertisement or the quality of its design.
12. A previous appeal decision has been drawn to my attention. I understand that the previous Inspector considered that the previous scheme would not adversely affect the setting of the listed buildings and that the appellant has stated that the siting and size of the advertisement are unaltered from the previous scheme. However, I do not have the details including drawings, of the previous advertisement or the background to the previous appeal decision. Moreover, the Council have stated that the large digital advertisement on Lench Street has recently been erected. As such I cannot be certain that the schemes and their likely impacts are directly comparable. In any case, I am required to determine this appeal on its own merits.
13. I have taken into account Policies 3.8, 3.10, 3.14 C-D and 3.25 of the Birmingham Unitary Development Plan which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

14. I acknowledge that no objections to the appeal proposal were received from the Highway Authority and that the proposal would not harm public safety. This does not outweigh the harm that I have found to amenity.

Conclusion

15. For the reasons which are set out above, I dismiss the appeal.

D. Boffin

INSPECTOR