
Appeal Decision

Site visit made on 18 January 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/P4605/Z/16/3160437

1 Swallow Street, Birmingham, B1 2AL

- 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 Patrick Perkins, Hollywood Monster Ltd, against the decision of Birmingham City Council.
 - The application Ref 2016/05755/PA, dated 24 June 2016, was refused by notice dated 15 August 2016.
 - The advertisement proposed is the installation of 1 no. 18m x 4m non-illuminated pvc banner to top of building above windows to display advertisement of the building itself and information about living space available.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area, including the effect on the Colmore Row and Environs Conservation Area (CA).

Reasons

3. The appeal property is a tall multi-storey modern building, which is situated in a prominent position in the city centre. The property is located within the CA, which contains buildings of various ages and styles, including period and contemporary buildings. Within the CA, high-level signage is not common, although there are examples elsewhere in the city centre of advertisements that have been positioned along the top section of buildings. Some of these high-level signs are visible from Swallow Street.
4. Regulation 3 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 requires that applications for advertisements must be considered with regard to amenity and public safety. I note that no objections have been raised by the Council or others in relation to matters of safety and I have no reason to take a different view. There is also a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. Since the appeal was lodged, the Council has adopted the Birmingham Development Plan 2031 (BDP). Policies PG3 and TP12 of the BDP seek (amongst other things) to ensure that proposals are of high quality design and protect or enhance the city's historic environment. In addition, the Council's Supplementary Planning Document – Large Format Banners 2008 states that

such advertisements will normally only be permitted where a building is to be scaffolded for building or related work. Furthermore, paragraph 67 of the National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built environment.

6. In reaching my decision, I have given consideration to the existence of other high-level advertisements within the city centre. I also attribute weight to the appellant's contention that the proposed banner advertisement would help to publicise the change of use of the office building to residential apartments. However, the proposed banner would appear as a highly prominent, and visually discordant feature, when viewed from the southern end of Hill Street and from Suffolk Street Queensway, because of its height above street level, its significant width and visually dominant effect.
7. The proposal would therefore have a harmful effect on the appearance of the area and it would fail to preserve or enhance the character or appearance of the CA (notwithstanding the building's position on the edge of the CA). Whilst the harm to the CA would be less than substantial having regard to paragraph 134 of the Framework, I am not persuaded that there are any public benefits arising from the proposal that would outweigh the harm that I have identified.

Conclusion

8. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR