

Appeal Decision

Site visit made on 1 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/P4605/Z/16/3161435

Unit 32-34, High Street, Longbridge Town Centre Phase 2, Longbridge B31 2TS

- 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 Smyths Toys against the decision of Birmingham City Council.
 - The application Ref 2016/05555/PA was refused by notice dated 24 August 2016.
 - The advertisement proposed is 1no. aluminium signage box with printed PVC skin.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Ms Ailbhe Carroll of Smyths Toys Limited on the planning appeal form, whereas the name appearing on the application form lodged with the Council is Smyths Toys. As the right of appeal rests solely with the original applicant, I have proceeded on the basis that Smyths Toys is the appellant in this case.
3. The Council determined the appeal application and issued a split decision that granted express consent for a number of internally illuminated advertisements at the site. It also refused express consent for an internally illuminated sign on the northwest elevation of the appeal building and it is that advertisement which is the subject of this appeal.
4. On 10 January 2017, the Council adopted the Birmingham Development Plan 2031 (BDP). The Council has confirmed that paragraphs 3.8 and 3.10 of the Birmingham Unitary Development Plan (UDP) have been replaced and that BDP Policy PG3 is now a relevant consideration in this appeal. The appellant submitted further comments in the light of this policy change following an invitation to do so and I have taken those representations into account.

Main issue

5. The Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

Reasons

6. The proposed sign would occupy a high-level corner position on the flank wall of the appeal building, which is a retail store within Longbridge Town Centre. The new sign would display the 'Smyths' logo in red and yellow with the words
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'Toys Superstores' beneath, set against a blue background. I saw that fascia signs were in place on the building's northeast (front) elevation, which faces the car park and includes the main customer entrance to the store.

7. As the only advertisement on an otherwise large blank wall and placed in an elevated and prominent position, the new sign would be a highly conspicuous feature. It would be particularly evident from the area just to the west of the site, which appears to include some residential buildings and is different in character to that of the town centre, with its retail and commercial stores, a hotel and a car park. When seen from the west, the proposal, due to its size and position, would draw the eye as an overly dominant and thus obtrusive feature in the local townscape even within the commercial setting of the site and with some high-level signage visible on other buildings beyond. That consent is sought to display the advertisement for 2-years until the adjacent land comes forward for development would not diminish the harm caused to visual amenity over that time period.
8. I accept that the host building itself clearly belongs to the town centre, wherein signage is an expected feature. However, the wall upon which the new advertisement would be placed faces away from the centre and the main retail aspect of the host building is not readily visible from the west. Other signs are visible from this general direction, but these are less pronounced in their visual impact than would be the case with the proposal as they more closely relate to the town centre itself. I also note the appellant's view that the proposal would add visual interest to an otherwise 'dead frontage' to this area.
9. Being noticeable obviously reflects the main purposes of the advertisement, which are to attract the attention of passers by and to inform them of the store's presence and location. In doing so, I have little doubt that the signage, as proposed, would be an effective way to promote the business because it would be visible for some distance across a wide area, including the busy A38 and other roads. As a new retailer to the local area and the UK more generally, and given its corner position in the town centre, raising the visibility and awareness of the store and the business profile is very important to the appellant. While advertisements have a clear role to play in supporting strong, sustainable economies, which policy encourages, this has to be balanced against the need to ensure that they do not harm the appearance on the built environment, as would be the case here. The appellant's need for signage, if material, does not outweigh the harm to amenity that I have identified.
10. Reference is made to various planning policies and guidance, to which I have had regard as relevant considerations, as well as the representations made in relation to the BDP. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the plan policies and guidance have not therefore by themselves been decisive.
11. For the reasons given, I conclude that the display of the proposed advertisement is detrimental to the interests of amenity. Accordingly, the appeal should be dismissed.

Gary Deane

INSPECTOR