
Appeal Decision

Site visit made on 11 March 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 17th March 2017

Appeal Ref: APP/P4605/Z/17/3169251

Car Park, New Bingley Hall, Hockley Circus, Hockley, Birmingham B18 5BE

- 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 The New Bingley Hall against the decision of Birmingham City Council.
 - The application Ref 2016/07514/PA, dated 30 August 2016, was refused by notice dated [19 December 2016].
 - The advertisement proposed is for the display of 2No. Digital Screens Measuring 3 metres x 6 Metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on amenity.

Reasons

3. The proposal relates to the display of 2 LED digital display units measuring 3m x 6m fitted back to back within a lacquered steel rectangular shaped box mounted on a single pole giving an overall height of 12m above ground. The display would be internally illuminated through a full colour digital LED system. The advertisement would be sited on the New Bingley Hall car park so that it extended above and would be viewable from an elevated section of the A41 dual carriageway. The LED display would provide near instantaneous successive displays devoid of any special effects or other animated, flashing, scrolling, intermittent or video elements.
 4. Although the appellants maintain that the site is within a commercial area where there are other examples of advertisements, from what I saw, there does not appear to be an over-proliferation of advertisement material and what there are, these mainly relate to the premises that they are situated upon and are signs on buildings in the main. Whilst I accept that the display would be sited along a notably straight section of dual carriageway and would not thus result in any highway safety issues, the digital screens would have an abrupt obtrusive appearance when viewed from both lanes of the elevated section of the dual carriageway. Moreover, because of the elevation involved, the advertisement would constitute an isolated feature that would be unrelated to its context and would thus appear as a discordant element against roof tops of buildings and landscape features including tree canopies in the middle distance.
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5. Therefore, taking into account the prominence of the site, I am of the opinion that the proposed display would detract appreciably and unacceptably from the amenity of the locality. In coming to this view, I acknowledge that the elevated section of dual carriageway drives straight through what is essentially a commercial area. However, this would not justify features that would be otherwise discordant. I noted the presence of signs at the lower level below the elevated sections of the dual carriageway; however these are less obtrusive and perform the function of either screening unkempt sites or are fixed to buildings. As such they do not appear isolated and discordant but rather better relate to their surroundings. Furthermore, they do not have a significant effect on defining the character and appearance of the wider area and consequently, are materially different to the scheme before me.
6. I have no reason to consider the advertisement would harm public safety.
7. In assessing the proposal, I have considered the various policies and supplementary planning guidance that have been prepared by the Council. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking into account all material factors. Therefore in determining this appeal, the Council's policies and guidance have been given weight as material planning considerations but have not in themselves, been decisive.
8. Accordingly, I conclude that the proposal would have an unacceptable and appreciable impact on the amenity of the area, and would be contrary to the National Planning Policy Framework. Therefore the appeal should be dismissed.

Gareth W Thomas

INSPECTOR