

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: 22 March 2017

Appeal Ref: APP/Q4625/Z/16/3162099

320 Stratford Road, Shirley, Solihull B90 3DN

- 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 A Jalil against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2016/02108/ADV was refused by notice dated 6 October 2016.
 - The advertisement proposed is a signboard.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the local area.

Reasons

3. The proposal is to display a non-illuminated signboard between the first and second floor windows on the front elevation of the appeal property, which is a 3-storey building in an area of mixed character. The new advertisement would face towards the busy Stratford Road and would be particularly visible in front of the site and to users of this highway approaching from the northwest.
 4. From both directions, the new advertisement would stand out as noticeably higher than the signage associated with the ground floor premises within the same building that includes window displays and fascias of varying designs above the shop fronts. While the photographs provided show a sign with "Belvoir!" displayed on it at a similar level as the proposal, that advertisement had been removed at the time of the site visit. The Council also states that it has not granted consent for the signs next to the first floor windows of the corner unit at the junction of Stratford Road and Church Road. As the only advertisement in such a high level position on the front wall of No 320, the proposal would be a substantial and prominent feature in the local street scene.
 5. Being significant in size and extending well above the retail and commercial aspects of the frontages below, the impact of the new advertisement would be considerable. From Stratford Road, it would appear as a large and dominant feature, adding to the already significant level of existing advertising on the appeal building. Despite its simple design, the dark coloured background of the new display against the lighter coloured brick of the host building would accentuate the visual impact of the advertisement. As a result, the proposal,
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- due to its size, position and design, would be obtrusive in the local street scene, even within the busy retail and commercial street-lit setting of the site and when seen in association with other nearby signage.
6. From Stratford Road, close to its junction with Church Road, the new sign would be viewed in the context of the Church of St James, which is a Grade II listed building, and its memorials and grounds. As such, it would form part of the leafy setting to this designated heritage asset. In those views, the new sign would be a conspicuous feature due to its elevated position and size. It would noticeably add to the visual clutter caused by the various advertisements on and near to No 320 and thus detract from the setting of the listed Church and its grounds.
 7. On the main issue, I therefore conclude that the proposed advertisement would cause significant harm to the visual amenity of the local area including the setting of the listed Church. No public benefits have been drawn to my attention that would outweigh the harm to visual amenity. While there are other heritage assets close to the site, the effect of the proposal on their setting would be far less pronounced than that of the listed Church because the new sign would not stand out to such a degree in their particular contexts.
 8. Being noticeable in the local street scene to which the new advertisement would belong obviously reflects its main purposes, which are to attract the attention of people and to inform them of the appellant's business. In doing so, I have little doubt that the signage, as proposed, would be an effective way to promote the appellant's business as Chartered Management Accountants, which he regards to be a strong selling point. However, the proposal would be unduly dominant on the principal façade of the appeal building and intrusive in a sensitive location near to heritage assets.
 9. The appellant has referred and provided photographs of several high level advertisements on buildings that are prominent in the street scene of which they form part. I saw those cited and several other examples at the site visit. However, few details of these cases have been provided and so I am unable to conclude that these advertisements are directly comparable with the proposal or the circumstances associated with it. The Council also states that it has no record of granting consent for the "Fortune Inn" sign placed at a high level on the flank wall of a building close to No 320. In any event, each proposal must be determined on its own merits, as I have done. As such, the presence of, or even consent for, other signs do not set a precedent for the proposal.
 10. Reference is particularly made to another building on Stratford Road that prominently displays the name and contact details of a firm of Chartered Accountants on its front elevation, which the appellant describes as a rival. Without a similar presence on the appeal building, the appellant considers that his business would be put at a competitive disadvantage. While I acknowledge that advertisements have a role to play in supporting strong, sustainable economies, 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.
 11. The decision notice cites various policies of the Solihull Local Plan. The Officer's report also refers to the National Planning Policy Framework and the Council's Supplementary Planning Document *Shop Fronts and Signs*. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors.

While these policies and guidance are therefore not themselves decisive, I have taken them into account as material considerations.

12. The Council raises no objection to the proposal on public safety grounds and I, too, agree, that it would be acceptable in this regard. Nevertheless, for the reasons given above, I conclude overall that the display of the proposed advertisement would be detrimental to the interests of amenity. Consequently, the appeal should be dismissed.

Gary Deane

INSPECTOR