
Appeal Decision

Site visit made on 4 April 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 11 April 2017

Appeal Ref: APP/P4605/Z/16/3161831

Sixways House, 15 Sutton New Road, Erdington, Birmingham B23 6TJ

- 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 Elonex against the decision of Birmingham City Council.
 - The application Ref 2016/04920/PA, dated 24 May 2016, was refused by notice dated 1 September 2016.
 - The advertisement proposed is a digital curved display.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the application was determined by the Council, the Birmingham Development Plan (BDP) has been adopted. The BDP replaces the 'saved' policies of the Birmingham Unitary Development Plan 2005 cited in the decision notice, with the exception of those policies contained within paragraphs 3.14C and 3.14D. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are;
 - the effect of the proposal on the visual amenity of the area; and,
 - the effect of the proposal on public safety on the adjoining highway.

Reasons

Visual amenity

4. Paragraph 67 of the National Planning Policy Framework recognises that poorly placed adverts can have a negative impact on the appearance of the natural and built environment. Sixways House is located on the edge of the town centre of Erdington. The centre is characterised by two and three storey buildings set on the back edge of the pavement with shops on the ground floor. Wide pavements allow the free movement of pedestrians. As a result, the area is characterised by a human scale of development.
 5. Sixways House is a large three storey flat roofed building that occupies a triangular plot of land where Sutton New Road and High Street meet. The continuous line of windows at first and second floor level, separated by cladding, gives the building a pleasing horizontal emphasis. Previously, a clock with an Auto Trader sign next to it, three windows in width, sat comfortably on the apex of the building within its cladded section directly facing the roundabout.
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6. The proposed digital curved display would also be positioned on the cladding on the apex of the building directly facing the roundabout. At 10m in width and 2m in height it would be a large sign. The Council states that it would be taller than the cladding and partly obscure the windows. This has not been disputed by the appellant. On the basis of what I have read and seen, I agree with the Council that the sign would partly obscure the windows of the building. As a result, the scale of the display, unlike the previous sign, would detract from the architectural integrity of the building and appear overly large and dominant. The illuminated nature of the sign would serve to highlight its incongruous appearance.
7. For these reasons, I therefore conclude that the proposal would have a harmful effect on the visual amenity of the area and the quality of the built environment.

Public safety

8. As Planning Practice Guidance notes 'all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety'¹. In this instance, the proposed digital curved display would directly overlook a busy roundabout. Whilst road side railings encourage pedestrians to cross at designated points, drivers still need to concentrate fully on the road when approaching this particularly busy roundabout to avoid collisions with pedestrians or vehicles. On the approach towards the roundabout along Gravelly Hill North, Woodend Road and Reservoir Road, it is clear to me that the proposed display would be within the sight line of drivers until they had entered the roundabout. As a result, in my judgement, on the basis of what I have read and seen, owing to its large size, prominent position, illumination and changing display the proposal would distract road users to the detriment of public safety. The conditions suggested limiting the operation of the proposed display would not overcome the harm that would be caused.
9. The appellant has referred to a nearby scrolling illuminated billboard which I saw on Gravelly Hill North. However, unlike the appeal proposal it is comfortably set within the end gable wall of a terraced row of shops and does not unduly detract from the visual amenity of the building and area. In terms of public safety, the billboard is only readily visible to drivers who have exited the roundabout and are heading away from it. As a result, it is materially different to the appeal proposal and reference to it has not altered my findings in relation to this appeal.
10. In terms of public safety, reference has been made to a display screen with full motion that received consent located several miles away at Scala House at Holloway Circus, Queensway, Birmingham. Reference has also been made to digital displays overhanging highways. The circumstances in each proposal are likely to be different, and in any event the fact that other digital displays have been granted consent, including those with full motion, is not a reason, on its own, to allow a display that I have found to be unacceptable. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
11. I have taken into account policies PG3 and TP44 of the Birmingham Development Plan, together with policies 3.14C and 3.14D of Birmingham

¹ Paragraph 67 Reference ID 18b-067-20140306 'Considerations affecting public safety – In what locations are advertisements more likely to affect public safety on the roads?

Unitary Development Plan. These policies respectively seek to protect amenity and highway safety and so are material in this case. Similarly, the supplementary planning guidance 'Location of Advertisement Hoardings' (SPG) does not support adverts that harm the amenity of the street scene and wider area. Given that I have found that the proposal would harm amenity and public safety, it conflicts with these policies and the SPG.

12. For the reasons given above, the appeal should therefore be dismissed.

Ian Radcliffe

Inspector