
Appeal Decision

Site visit made on 31 July 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/P4605/Y/17/3170531

Moor Street Station, Moor Street Queensway, Birmingham, B4 7UL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Thomas Johnston (JCDecauxUK Ltd) against the decision of Birmingham City Council.
 - The application Ref: 2016/07536/PA dated 24 August 2016, was refused by notice dated 26 October 2016.
 - The works proposed are installation of two free-standing digital advertisements.
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Decision

1. The appeal is dismissed and listed building consent is refused for the installation of two free-standing digital advertisements at Moor Street Station, Moor Street Queensway, Birmingham, B4 7UL.

Procedural Matter

2. In January 2017, after the decision was issued, the Council adopted the *Birmingham Development Plan 2031* (BDP) and this comprises part of the development plan. It replaces those saved policies of the *Birmingham Unitary Development Plan 2005* referred to in the decision notice, and I have considered the appeal on the basis of BDP the *National Planning Policy Framework* (the Framework) and other relevant material considerations.

Main Issues

3. I consider the main issues in this case are whether the proposal would preserve the special architectural and historic interest of the Grade II listed building, and whether the proposal would preserve or enhance the character or appearance of the Digbeth, Deritend and Bordesley High Streets Conservation Area.

Reasons

4. Listed building consent is sought for the installation of 2 No floor-mounted free standing digital advertising signs. Each would feature a digital display panel and have overall measurements of 2.3m high x 1.0m wide. One sign would be positioned close to the platform ticket barriers and the other beneath the station information boards towards the centre of the concourse.
5. Moor Street Station is a Grade II listed building dating from 1911-1916. Much of its significance derives from the fact that a substantial amount of the historic fabric is intact and thus its original character has been retained. However,

- although recently and carefully restored, the facilities provided at the station have evolved to meet the changing needs of a busy operational station.
6. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
 7. Amongst other matters BDP Policy PG3 requires development to demonstrate a high quality of design that contributes to a sense of place. BDP Policy TP12 '*Historic Environment*' reflects the statutory duties and says great weight should be given to the conservation of the city's heritage assets. It adds that innovative design which retains the significance of the heritage asset and is integrated with the historic environment will be encouraged.
 8. Although innovative design can certainly be acceptable in many situations and locations, in this case, due to their uncompromisingly modern style, scale, materials, and prominent siting, I consider the proposed signs would be at odds with the distinctive Edwardian character of the station concourse and would detract from its significance. Furthermore the introduction of these two large structures would create a cluttered appearance, and the changing digital displays would draw further attention to them and make them appear even more prominent and incongruous in this setting.
 9. I accept there are other 'modern' features within the concourse which may be said to contrast with the building's traditional character. These include the train information signs, ticket machines and ticket barriers. However, these are essential features related to the functioning of the station, and their presence does not give any justification for the proposed advertising panels. I also note that the concourse already contains a number of moveable display boards and stands. However, in contrast, these are generally small in scale and as such can be accommodated comparatively unobtrusively within the station concourse.
 10. The appellant suggests that the proposed signage would reduce the need for other display boards and panels within the station and thereby reduce clutter. However, the other signage generally relates to information provided by the rail company (timetables etc.), or to businesses at the station (such as the cafeteria/bar and kiosk). The appellant says existing signs would be replaced. However, as it is unclear which signs would be removed this is not a consideration to which I can give much weight. Nor does the fact that the signs would be freestanding, not fixed to the historic fabric, and easily removed, serve to justify the proposal.
 11. Therefore, for the reasons given above, I consider the proposal would fail to preserve the special architectural and historic interest of the listed building. For the same reasons it would fail to preserve or enhance the character or appearance of this part of the conservation area. Paragraph 132 of the Framework makes it clear that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of the

heritage asset. As heritage assets are irreplaceable, any harm should require clear and convincing justification.

12. However, the works proposed would only affect one area of the listed building and a small part of the conservation area. Consequently, I am satisfied that the degree of harm caused would be less than substantial, although this harm is nevertheless a matter to which I attribute substantial weight. In such situations paragraph 134 of the Framework says any harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use.
13. The appellant says the signs will enable multi-media messages to be displayed within one unit in a modern, streamlined way, adding that this will benefit rail passengers and enable the spatial qualities of the station concourse to be better appreciated by rail users. It is also suggested that revenue from the signs would contribute towards the cost of maintaining the building and lessen reliance on Government subsidies and the tax payer. However there is no evidence before me to demonstrate how this would occur, or provide a direct benefit towards maintaining the fabric of the listed building.
14. In any event, it has not been shown that the functional operation of the station or its future maintenance is in any way dependant on the proposal. As a consequence, what public benefits there might be are limited, and are not sufficient to outweigh the harm they would cause.

Conclusion

15. In summary, I conclude that the proposal would cause less than substantial harm to the significance of this Grade II listed building and would not preserve its special architectural or historic interest. For the same reasons would it would fail to preserve the character and appearance of the Digbeth, Deritend and Bordesley High Streets Conservation Area. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with National policy in the Framework and BDP Policies TP12 and PG3.
16. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR