



Appeal Decision

Site visit made on 16 September 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 24th September 2019

Appeal Ref: APP/P4605/Z/19/3233592

Former Tesco Stores Ltd, Ladywood Middleway, Birmingham B16 8HA

- 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 Seven Capital (Broadway) Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/02928/PA, dated 2 April 2019, was refused by notice dated 24 May 2019.
 - The advertisement proposed is display of 2 no. internally illuminated company logo signs, 2 no. internally illuminated mounted building estate signs and 1 no. internally illuminated totem sign.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The application for advertisement consent was made for the display of advertisements as set out in the development description in the banner heading, above. The Council determined the application and reached a split decision on the proposal whilst also adopting slightly differing wording in their description of the development. Thus, in the Council's words as set out on the decision notice, advertisement consent was granted for the display of '*4no. internally illuminated signage (2no. wall mounted and 2no. high level) as shown on DRG 'Proposed Elevation Ladywood Middleway / Ruston Street (2984_1200/RevS)'*¹ and refused for '*1no totem sign as shown on DRG 'Proposed Totem Sign (2984_400/RevE)'*²'. In order to avoid confusion, I have adopted the Council's description of the advertisements in my decision and in the text below. I am satisfied that neither party would be disadvantaged by my doing so.
3. From all that I have seen and read, I have not been presented with any reason to reach a different conclusion to that reached by the Council in respect of the 4no. internally illuminated signs (2no. wall mounted and 2no. high level) as set out on the specified drawing³. I have therefore focused my consideration of this appeal to the matter of the proposed totem sign⁴, and it is that to which my decision refers.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework

¹ The description as given on the Council's decision notice

² The description as given on the Council's decision notice

³ Drwg No: 2984_1200/RevS

⁴ As shown on DRG 2984_400 Rev E

(the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council raise no objection to the proposed advertisement in respect of public safety. Having assessed the proposal, I see no reason to disagree. Having regard to the above, the main issue is therefore the effect of the totem sign on amenity.

Reasons

5. The appeal relates to an internally illuminated totem sign and has been designed to provide information as to the occupiers of the adjacent commercial uses and car park. It would be positioned within a pleasingly open swathe of closely maintained grass that turns the corner on the inside of the junction of Ladywood Middleway and Friston Avenue. It would be positioned well forward of the prevailing building line established by the low-level car hire office, multi-storey car park and office and commercial development beyond and close to the back edge of the pavement.
6. The sign, which would be of a not insignificant height, would stand somewhat isolated from other structures within this open grassed and landscaped area, and forward of the prevailing building line. It would also be close to the pavement edge and this proximity to the pavement would make the sign a substantial and visually imposing structure close to the pedestrian environment. Its siting would also mean that, from certain vantage points on Ladywood Middleway, it would be seen directly in the foreground of a large directional road sign at this busy junction. Whilst the Council do not object to the proposal on public safety grounds, a conclusion that I do not disagree with, the juxtaposition of the road signage and street furniture with the proposed totem sign would result in a visually cluttered approach to the Broad Street junction.
7. However, although it would stand somewhat isolated within the swathe of open grassed land on the inside of the Friston Avenue / Ladywood Middleway junction, that degree of isolation would emphasise the strident nature and scale of the sign and thus its prominence. So too, the alignment of the pavement due to the nearby bus stop, the position of the nearby pedestrian crossing and the fall of the ground levels at the entrance to Friston Avenue, which would also combine to underscore the dominant scale and position of the totem sign. Thus, it would be an intrusive and discordant feature, incongruous amongst the open grassed swathe at the junction whilst also adding more generally to the visual clutter at this location. This would, I am satisfied, cause harm to the amenity of the area and would typify the type of harm that paragraph 132 of the Framework envisages from poorly sited or designed advertisements.
8. I have been provided with photographic evidence which shows another totem sign associated with a previous use of the adjacent site as a petrol filling station. It may have been, as has been suggested by the appellant, similar in dimensions and style to what is now proposed but it is clear to me from the evidence that it differed from the appeal proposal in key aspects. It was located immediately adjacent to the petrol filling station forecourt and forecourt building and, crucially, was also positioned on the lower ground levels of Friston Avenue, rather than the higher ground level on Ladywood Middleway. Neither of these factors applies to the appeal proposal.

9. I have also been made aware of a totem sign a short distance away on the opposite side of Ladywood Middleway serving Broadway Plaza, and a small number of other applications, the locations and details of which I have not been provided with. However, in respect of the nearby Broadway Plaza sign, I am satisfied that its relationship with the surrounding street environment differs from that of the proposed sign, which I have in any event determined on its own merits and the evidence before me. With regard to the other examples of advertisement proposals that have been referred, I cannot be certain that they provide directly comparable circumstances and so I give them limited weight. These factors do not alter my conclusion in respect of the effect of the proposed advertisement on visual amenity.
10. BDP policy PG3 recognises the importance of proposals demonstrating high design quality to contribute to a strong sense of place. In accordance with the Regulations, the provisions of this policy are a material consideration in this instance. As the proposed totem would be an intrusive and discordant feature that would add significantly to visual clutter in and around its proposed location, thereby causing harm to the amenity of the area, the proposal would be in conflict with BDP policy PG3 and saved UDP policy 3.14D. Insofar as these policies are relevant to consideration of amenity issues, the proposed signage is in conflict with BDP policy PG3 and saved UDP policy 3.14D.

Conclusion

11. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR