



Appeal Decision

Site visit made on 29 October 2019 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/P4605/Z/19/3235193

Arabian Oasis, 118 Stratford Road, Sparkbrook, Birmingham B11 1AJ

- 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 Liaqut Ali of Arabian Oasis against the decision of Birmingham City Council.
 - The application Ref: 2019/02819/PA, dated 1 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is display of no. 1 internally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are: 1) the effect of the proposed advertisement on the visual amenity of the area; and 2) the impact of the proposed development on public safety.

Reasons for the Recommendation

Visual amenity

4. The proposed advertisement would measure 4 metres in height and 3 metres in length and would display internally illuminated static images which would change every 10 seconds and would not make any noise. The proposed signage would be located on first floor on the chamfered front of no.118 which is located on the junction between the A34 and Kyotts Lake Road.
5. The buildings within the street scene are a mix of modern and older buildings that are typically in commercial or residential use. The site is located near to a local shopping district and there are several advertisements in the vicinity associated with those commercial operations. Therefore, the area is commercial in nature and advertisements are a common feature.
6. Based on the proposed elevation plan, the sign would cover the entirety of the first floor element of the chamfered front of the property. The sign would appear bulky and disproportionate to the size of the building and would cover

the existing window as well as the architectural detailing above it, including the lintel and the decorative bricks below the dormer window. Those features, and the window itself, are important elements in the overall character of the building and the chamfered corner was no doubt designed to face outward onto the street in a prominent location. The building is not listed, and the site is not within a Conservation Area. Nonetheless, the building is an attractive Edwardian Period property and is in a prominent location on the A34. The Planning Practice Guidance notes that *"in assessing amenity...if the locality where the advertisement is to be displayed has important...architectural features...whether it is in scale and in keeping with these features."*¹

7. The signage within the shopping district is largely restricted to the ground floor of the building. This has ensured that the upper floors of the buildings are uniform, orderly and uncluttered. The proposed sign would be located higher on the building than the surrounding signage.
8. The proposed sign would be prominent on the first floor and this would detract from the largely uncluttered upper floors of the surrounding buildings which is a feature that contributes to the visual amenity of the area. The proposal would add an incongruous feature to the building which would harm the visual amenity of the area.
9. Therefore, whilst the proposal would be in an area where advertisements would not necessarily harm the visual amenity of the street scene, due to its size and position, the sign would result in harm to the visual amenity of the host building which would in turn harm the visual amenity of the street scene. I have taken account policy PG3 of the Birmingham Development Plan (2017) (BDP), saved paragraph 3.14D of The Birmingham Plan Birmingham Unitary Development Plan 2005 (UDP), the Shopfronts Design Guide 1995 and the Location of Advertisement Hoardings DC Guidelines No.40 which seeks to protect amenity and so are material in this case. Given I have concluded that the proposal would harm the visual amenity, the proposal conflicts with these policies and supplementary documents.

Public safety

10. The proposed advertisement would only be visible to southbound traffic on the A34. Nevertheless, it would be located behind two advisory highway signs which are located on the junction with Kyotts Lake Road. The A34 is a heavily trafficked road by both vehicular users and pedestrians. There are also two pedestrian crossing points, one before and one after the proposed advertisement. Additionally, there are bus stops near to the site on the A34 and the site is located near to a local shopping district.
11. The proposed sign would be located on the first floor of the building and this would mean that drivers would look up towards the skyline to view the sign. Due to the proposed location of the sign and the development ongoing on the opposite side of Kyotts Lake Road, there would be limited long range visibility of the sign and as such drivers would not see the sign until they are relatively close to the junction and the crossing points. As such the proposed advertisement would obscure or hinder the ready interpretation of the advisory highway signs. Due to the proposed location on the first floor, and the lack of long range visibility, drivers would only have a short period of time to view the

¹ Paragraph: 079 Reference ID: 18b-079-20140306

sign which would distract drivers and endanger traffic exiting from the junction as well as pedestrians crossing the junction and at the two crossing points. Consequently, the proposals would result in harm to public safety.

12. I have taken account of policies TP44 of the BDP, saved paragraph 4.14C of the UDP and the Location of Hoardings DC Guidelines No.40 which seek to protect public safety and so are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and supplementary guidance.

Other Matters

13. The appellant has referred to other advertisements displayed in the area, including a digitised 48 sheet display close to the appeal site. However, the Regulations allow me, when assessing a proposal, to disregard these and any other advertisements being displayed in the locality. I proposed to do so because the other identified sign is located on the side of the building that is of little architectural interest and there is good long range visibility of the sign and is not located behind highway signage. Consequently, it is not directly comparable to the proposal before me.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR