



Appeal Decision

Site visit made on 17 February 2020 by S Watson BA(Hons) MSc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/P4605/Z/19/3241532

Holiday Inn, Smallbrook Queensway, Birmingham, West Midlands B5 4EW

- 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 Booh Media Plc against the decision of Birmingham City Council.
 - The application Ref 2019/06358/PA, dated 6 August 2019, was refused by notice dated 1 October 2019.
 - The advertisement proposed are two no. internally illuminated ribbon signs / one no. internally illuminated panel sign.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issue

3. The main issue in this case is the effect of the proposal on the visual amenity of the street scene and the host building.

Reasons for the Recommendation

4. The Council has drawn my attention to the policies and guidelines it considered to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. In the case of this appeal, there are no public safety concerns. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
5. The appeal site is located at the edge of the commercial centre of the city. The area is tired, and a large number of the retail units appear to be closed or are boarded up. Signage is common within the street scene but is largely restricted to fascia and projecting signs, relevant to their respective unit. The appeal site contains a ground floor with retail units and above this, a hotel with a balcony

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

around the first floor. The proposed advertisements would wrap around the balcony's balustrade with a much larger screen on the eastern corner, overlooking the junction between Smallbrook Queensway and Hill Street.

6. Although a high level of advertising is to be expected within a commercial area, the extensive digital advertising panels would be out of scale with the small-scale commercial character of the units and advertising within the street. Their digital and illuminated nature would strike a jarring and intrusive feature within the street scene, which is made up of more traditional advertising. Moreover, the proposal would be in a prominent, elevated position above the road where they would be visible in short and medium-distance views along Smallbrook Queensway, Hill Street and Hurst Street.
7. Given their prominence and the cumulative size of the advertisement, they would be an intrusive feature which would be incongruous with the largely, simpler advertising with which the appeal site is readily legible. Given its scale and prominence the proposal would result in a level of advertising significantly greater than existing leading to a cluttered appearance. The impact would be especially noticeable at night where the advertising would glow. Due to its scale and the internal illumination, even if dimmed, the advertising would appear brighter than typical illuminated advertising. While they would add some vibrancy to the street, this would not outweigh the harm identified.
8. Whilst there are examples of sizeable digital advertisements within the locality, as observed on my site visit, and as drawn to my attention by the appellant, these are few in number and have different locational characteristics to the appeal proposals. Specifically, the closest example is a comparatively small totem at street level on the south side of Smallbrook Queensway. These examples are not directly comparable to the proposal before me and are not good reason to allow harmful advertisements in this case.
9. In conclusion I find that the proposal would be harmful to the visual amenity of the street scene by way of its incongruous design. As a consequence, the proposal conflicts with the high-quality design goals of Policy PG3 of the *Birmingham Plan 2031: Birmingham Development Plan*, Policy 3.14D of the *Birmingham Plan: Birmingham Unitary Development Plan*, the Framework, and the guidance contained in the *Birmingham Big City Plan: City Centre Retail Strategy*. The proposal would also therefore conflict with the regeneration aims of Policy GA1.2.

Conclusion and Recommendation

10. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Kenneth Stone

INSPECTOR