
Appeal Decision

Site visit made on 17 March 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/P4605/Z/20/3245817

Land at Queens Road, Aston, Birmingham, B6 7NH

- 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 Insite Poster Properties Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/08963/PA, dated 21 October 2019, was refused by notice dated 6 January 2020.
 - The advertisement proposed is the erection of digital advertising display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is an advisement. The Regulations and the National Planning Policy Framework (the Framework) make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not been decisive of themselves.

Main Issues

3. The main issues are:
 - the effects on the amenity of the area and;
 - the effects on public safety.

Reasons

The effects on the amenity of the area

4. The appeal site is adjacent to the elevated carriageway of the A38(M) Aston Expressway which provides a main link between Birmingham city centre and the M6. The advertisement would be just above the carriageway mounted on a single supporting pole fixed at ground level.
5. The site was the subject of a dismissed appeal¹ on 8 July 2019, for a 12m by 3m internally illuminated advertisement, orientated in a landscape profile. The

¹ APP/P4605/Z/19/3226750

inspector concluded that the advertisement would appear isolated and unduly prominent on a major route and harmful. This proposal is for a smaller internally illuminated sign, 6m by 3m.

6. From the M6 junction, the Expressway has extensive open views over the city's skyline. There are some industrial buildings, but they do not obstruct any views, and nearer towards the appeal site, the view changes as grassed spaces and trees predominate both sides of the road. This context continues beyond the appeal site up to an access point. There are a few buildings but even in winter they are not particularly conspicuous. The most notable feature is the spire of an adjacent church.
7. The submitted photomontages do show the proposal viewed from the Expressway with the trees in full leaf. They show the extensive presence of trees on both sides of the road. They also confirm that the advertisement would be seen against sensitive green spaces and not in conjunction with the highway environment.
8. The advertisement would attract considerable attention due to its illumination and orientation towards the oncoming traffic. It would appear isolated being self-standing but would also be intrusive against the backdrop of the trees and green spaces. The structure and display would be incongruous within this context. It would also break up the perceived expanse of the green space which forms a notable component of this approach to the city centre.
9. Even in winter, when the trees are less assertive, the advertisement would look out of place against the green spaces. The advertisement would be particularly conspicuous because the only other signs direct road usage.
10. At ground level, the advertisement would be seen against the Expressway supporting structure and would not appear obtrusive against this motorway context.
11. I therefore conclude that the advertisement would appear isolated and unduly prominent, spoiling the skyline and the approach to Birmingham city centre. The Council has made reference to Policy PG3 of the Birmingham Development Plan, 2017 and saved policy 3.14 C-D of the Birmingham Unitary Development Plan, 2005, both of which require high quality design and respect for the surroundings. Similarly, there is adopted supplementary planning guidance on the location of advertisement hoardings (SPG), to protect character as does paragraph 132 of the Framework. I have given them consideration and find that the proposal would be in conflict.

The effects on public safety

12. The second reason for refusal refers to insufficient information on public safety, which is clarified as the potential to obscure the safety/directional signs in the case officer's report. However, the advertisement would be sited aside from the carriageway and away from the field of vision of the various safety/directional signs; the elevated gantry signs in particular would remain prominent. The advertisement would also be sited after the junction signage. The appellant's highway statement also reveals a good safety record here. The case officer's report also queried access for maintenance, but the sign would have to meet the Highways Agency's own requirements, as they are reasonable for road

maintenance. I therefore find no adverse impact on highway safety or conflict with paragraph 109 of the Framework and the above SPG.

Conclusion

13. I therefore conclude that the appeal should be dismissed for amenity reasons.

John Longmuir

INSPECTOR