
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: 7 May 2020

Appeal Ref: APP/4605/Z/20/3245193

272-274 Soho Road, Handsworth, Birmingham, B21 9LX

- 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 Clear Channel UK against the decision of Birmingham City Council.
 - The application Ref 2019/08669/PA, dated 11 October 2019, was refused by notice dated 13 December 2019.
 - The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the digital poster advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:

The advertisement hereby permitted by this consent shall: (i) not be illuminated in excess of 300 candela/sqm, (ii) have only a static (non- flashing) display, and (iii) have a minimum display time of 10 seconds with an instantaneous change between adverts.

Main Issue

2. 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.
3. The main issue is the impact on the amenity of the area.

Reasons

4. The appeal site is on the corner of Soho Road and a secondary road, Murdock Road. The advert would replace an existing poster hoarding on the side of a building which faces onto Murdock Road.
5. Soho Road is a main thoroughfare across Handsworth. The appeal site is readily visible from the western direction and the proposed advertisement would attract more attention. However, Soho Road is characterised by its

commercial buildings, with extensive signage and shopfronts displaying goods. It creates a lively and vibrant appearance, within which the proposed advertisement would not look out of place.

6. The advertisement would also be readily visible from Murdock Road. This is a long established residential area, which is noted as such in the Council's case officer's report. However, the side of the host building appears distinct from the rest of Murdock Road and is perceived to relate to Soho Road, which has more of a commercial context, and accordingly the advertisement would appear appropriate. The advertisement would also be the same size as the existing poster and would not detract from the host building.
7. On the opposite side of Murdock Road facing the advertisement, there are several windows. These may relate to a residential flat but appear to be secondary windows. In any event, neither the Council's decision notice nor any representations expressed concern about this particular aspect.
8. I therefore conclude that the advertisement would not harm the amenity of the area. My attention has been drawn to policy PG3 of the Birmingham Development Plan, January 2017, and saved paragraphs 3.14 C-D of the Birmingham Unitary Development Plan, 2005, and the adopted supplementary planning guidance on the location of advertisement hoardings, which seek to protect amenity. Paragraph 132 of the Framework also specifically advises on advertisements. I have taken these policies into account as other material considerations and found no conflict.
9. The advertisement would also be sited aside from the main road and would not obscure the visibility of users or road signage along its route. I therefore agree with both parties that the proposal would not impair highway safety.

Conditions

10. The Council suggest conditions covering highway safety considerations, some of which overlap with those from the appellants, and are pertinent. The Regulations have five general conditions, but additional measures confirming the degree of illumination, frequency of changes and nature of the display would minimise any potential distraction of those using the highway.

Conclusion

11. I therefore conclude that the appeal should be allowed.

John Longmuir

INSPECTOR