

Appeal Decisions

Site visits made on 1 September 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 7 October 2020

All appeals

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeals are made by Mr Nathan Still (JCDecaux UK Limited) against the decision of Birmingham City Council.
 - The development proposed in each case is described as the installation of 86inch advertisement located on the rear face of the communication apparatus.
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Appeal A Ref: APP/P4605/Z/20/3250634

9 Colmore Row, Snow Hill Station, Birmingham B3 2BH

Grid Reference Easting: 407015 and Grid Reference Northing: 287164

- The application Ref 2020/01253/PA, dated 13 February 2020, was refused by notice dated 30 March 2020.
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Appeal B Ref: APP/P4605/Z/20/3250637

Deichmann, High Street, Birmingham B4 7TA

Grid Reference Easting: 407256 and Grid Reference Northing: 286915

- The application Ref 2020/01262/PA, dated 13 February 2020, was refused by notice dated 30 March 2020.
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Appeal C Ref: APP/P4605/Z/20/3250640

Debenhams, Smallbrook Queensway, Birmingham B5 4PJ

Grid Reference Easting: 407134 and Grid Reference Northing: 286566

- The application Ref 2020/01263/PA, dated 13 February 2020, was refused by notice dated 30 March 2020.
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Decisions

1. The appeals A, B, C are 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.

Procedural Matters

3. As set out above, there are three separate appeals for the installation of 86-inch advertisement on the rear face of the communication apparatus. The submitted plans indicate that the Infocus Kiosks currently in place would be removed and replaced with Digital Communication Hubs. Whether or not the

communication kiosks/digital communication hubs benefit from deemed consent is not for me to determine in the context of a Regulation 17 appeal. I have therefore assessed the proposal solely on the basis that it is for the advertisements. Whilst each appeal relates to a different site, the size and nature of the proposed advertisements on the sites are identical. I have considered each proposal on its individual merits, but as they raise similar issues, the cases are dealt within a single decision letter.

4. The advertisement in each case is an 86 inch display that is designed as an integral part of the structure and affixed to the rear of the communication hub. The size of the proposed advertisement is equal to the industry standard 6 sheet panel. All proposed advertisements would be internally illuminated by means of LED modules, and the illumination would be static. The advertisement would feature a displayed image changing in a repeated sequence, with the LED illumination to a level no greater than 300Cdm². As the appellant has set out within their statement, the communication hubs upon which the advertisements would be located do not form part of the assessment.
5. The Council has drawn my attention to the policies it considers relevant to these appeals and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of these appeals the Council's policies have not therefore, in themselves, been decisive.
6. The Framework notes that the quality and character of places can suffer when advertisements are poorly placed. A strict control over the display of outdoor advertisements should therefore be maintained.

Main Issues

7. The main issue for appeals A,B,C is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

Appeal A - 9 Colmore Row, Snow Hill Station

8. The appeal site is within proximity of tall buildings and within an area characterised by a mix of modern and more traditional built form. The proposal would be outside the Colmore Row and Environs Conservation Area, which has its border to the south of the appeal site. Listed buildings are also located within proximity of the site, on the opposite side of Colmore Row.
9. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, located primarily at the ground floor level, some of which are illuminated. With the exception of the non-illuminated advertisement that would be replaced by the proposal, the existing advertisements are generally seen along the side of the pavement and the largest portion of pavement is kept clear from visual clutter, which contributes to the spaciousness of the street scene.

10. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is proposed, the proposed illuminated advertisement placed within the public realm would be a distracting and discordant feature. Due to its size, siting, and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature within the street scene. This would increase the visual clutter within the area. Accordingly, the proposed advertisement would be detrimental to the visual amenity of the area.
11. Notwithstanding the harmful impact that the proposal would have on the visual amenity of the area, given the distance between the proposed advertisement and the boundaries of the conservation area, the development would preserve the character and appearance of the conservation area in accordance with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal B - Deichmann, High Street

12. The communication hub to which the advertisement would be affixed would be located on the pavement on the western side of High Street, in a highly prominent position close to the junction of High Street with Bull Street and Dale End. The area is predominantly commercial and has a mix of traditional and modern buildings.
13. There are many varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, some of which are illuminated. The advertisement proposed would be next to bus stations, in line with two bus shelters and a free-standing structure that has illuminated, digital advertisements on both sides.
14. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is located, the proposal would represent a significant feature at the site. The advertisement would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless, the LED illumination and changing images distinguish it from the other older style signage present in the area, including the existing advertisement at the site that blends with the streetscene, and does not unduly draw attention in the same manner. By nature of its design, the advertisement would represent a dominant feature particularly in the hours of darkness.
15. Furthermore, the cumulative impact of introducing the proposed advertisement display at the appeal site would result in an unacceptable proliferation of advertisements having regard to the vibrant displays already present in the area. The bright LED display would noticeably increase visual clutter when experienced in the context of the other signage at the location. Accordingly, the proposed advertisement would be detrimental to the visual amenity of the area.

Appeal C – Debenhams, Smallbrook Queensway

16. The communication hub to which the advertisement would be affixed, would be located on the pavement on the eastern side of Smallbrook Queensway. This

area is predominantly commercial. There are varied advertisements/fascia signs associated with the retail and commercial uses within the vicinity of the appeal site, some of which are illuminated. There is also a large structure that has illuminated, digital advertisements on both sides, on Smallbrook Queensway, between the street lanes.

17. With the exception of the non-illuminated advertisement that would be replaced by the proposal, the existing advertisements are generally seen along the side of the pavement and the largest portion of the pavement is kept clear from visual clutter, which contributes to the spaciousness of the street scene.
18. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is located, the proposal would represent a significant feature at the site. The advertisement would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless, due to its size, siting and particularly through its illumination, the proposed advertisement would introduce a visually prominent feature on this pavement section.
19. The cumulative impact of introducing the proposed advertisement display at the appeal site would result in an unacceptable proliferation of advertisements having regard to the vibrant large displays already present in the area. The bright LED display would noticeably increase visual clutter when experienced in the context of the other signage at the location. Accordingly, the proposed advertisement would be detrimental to the visual amenity of the area.

Recommendation

20. For the reasons given above and having regard to all other matters raised, I recommend that appeals A, B, C should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

Susan Ashworth

INSPECTOR