



Appeal Decision

Site visit made on 18 August 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/P4605/Z/20/3250336

1 to 4 Hockley Hill and 53 to 61 Vyse Street, Birmingham B18 5AP

- 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 2019/10236/PA, dated 29 November 2019, was refused by notice dated 7 February 2020.
 - The advertisement proposed is described as the upgrade of existing 48 sheet advert to support digital poster.
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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 Council acknowledges the proposal would have no harmful effects on public safety. As such, the main issue in this case is the effect of the proposal on the visual amenity of the area including the Jewellery Quarter Conservation Area (JQCA) and the setting of Nos 60 to 64 Great Hampton Street and 175 Hockley Hill which are listed buildings.

Reasons for the Recommendation

4. The Council has drawn my attention to the policies and guidelines it considers 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 and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
5. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or

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

similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features’.

6. The appeal site is located within the Jewellery Quarter Conservation Area. The Jewellery Quarter Conservation Area Design Guide (JQCADG) defines the importance of the conservation area as stemming from the variety of intact specialist buildings connected to the production of jewellery and other metal goods, and that some of these are still active. On the east side of the cross-roads and either side of Well Street are two Listed Buildings; No 175 Hockley Hill, a former bank, and Nos 60-64 Great Hampton Street, a former works and office block. The historic interest of these stems for their age and the extent to which their architectural style and detailing is still intact.
7. Given these matters I am mindful of my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and section 66 (1), which sets out that special regard is had to the desirability of preserving the (listed) building or its setting.
8. The appeal site forms a narrow strip along the back of the pavement serving Hockley Hill, near the cross-roads with Well Street, Vyse Street and Great Hampton Street. It contains a large billboard which forms a boundary between two rows of buildings, behind the plot appears to be an open area. The surrounding area comprises a mixture of uses including industrial, commercial and residential. Hockley Hill and Great Hampton Street appeared to be the main focus of the commercial area and also contained a substantial number of advertisements and signage. Primarily, the advertisements were traditional in form and appearance, the greatest proportion of them were modestly sized fascia displays, or other advertisements related to the buildings they were attached to. Including the appeal site, I noted only three large billboard advertisements in the immediate surroundings.
9. The proposed advertisement would be a large digital screen and would be unduly prominent and out of keeping with the largely traditional appearance of the street. Its modern digital nature would result in an alien and incongruous feature within the street scene which would be particularly prominent during the hours of darkness. It would result in a jarring form of advertisement in the locality which would be harmful to the visual amenities of the area. Moreover, the angling of the advertisement would result in the loss of the visual connection with the two adjoining buildings, created by the existing advertisement, and present an awkward form in the otherwise linear row. The proposal would neither preserve or enhance the character or appearance of the conservation area.
10. Furthermore, given its proximity to nearby listed buildings, I find that the new advertisement would adversely affect the appreciation of these buildings given its resultant prominence and dominance. It would therefore be harmful to the setting of these designated heritage assets

11. While I note the appellant's suggested conditions, including limiting the brightness of the screen and restricting imagery and transitions, I find these would not be sufficient to mitigate the harm identified. While the proposal would be smaller than the existing advertisement, I find it would still be much larger than that typical of the street. Moreover, the benefits of the limited reduction in scale are outweighed by the harmful siting and internal illumination.
12. Although the appellant has suggested that they would erect a replacement fence this has not been shown, and I must assess the proposal as it is before me. Moreover, while the reduction in the number of advertisement boards would likely be beneficial to the character and appearance of the area, this scheme is only for the replacement of an existing board, not the removal of any others. As such, it cannot be assured that the proposal would result in the reduction of advertisements in the locality.
13. The appellant has also raised that the proposed digital advertisement screen would result in increased sustainability through the reduction in the use materials and transport related to the changing of adverts. However, no substantive evidence has been submitted to demonstrate that the digital screen would be more ecologically sound than the current advertisement. Likewise, it has not been demonstrated how the proposal would increase business rates in the area, or that this would result in a meaningful benefit.
14. In conclusion I find that the proposal would be harmful to the visual amenity of the area. As a consequence the proposed advertisement conflicts with the aims of Policies PG3 and TP12 of the Birmingham Development Plan 2017, which seek to reinforce a sense of place, including respecting the character and appearance of an area and to the conservation of the historic environment, as well as the guidance within the JQCADG relating to the historic environment. Moreover, in light of the above the proposal conflicts with paragraphs 132 and 192 of the National Planning Policy Framework, which relates to advertisements and heritage assets.
15. The appellant has submitted evidence to demonstrate that the advertisement board has existed in its present state for at least 10 years. Nevertheless, in light of my findings above, I find that the presence of consent for the existing advertisement, or lack thereof, does not alter my recommendation.

Conclusion and Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR