
Appeal Decision

Site visit made on 22 September 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by Susan Ashworth BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/P4605/Z/20/3250234

927, Queslett Road, Birmingham, B43 7DT

- 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 2019/10234/PA, dated 28 November 2019, was refused by notice dated 06 February 2020.
 - The advertisement proposed is Upgrade of 1 x 48 sheet advert to support digital poster.
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Decision

1. The appeal is 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.

Main Issue

3. The effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

4. The Council has cited conflict with Policy PG3 (Place making) of the Birmingham Plan 2031 -Birmingham Development Plan (LP) saved paragraphs 3.14C-D of the Birmingham Unitary Development Plan 2017 (UDP), guidance in Location of Advertisement Hoarding, adopted as Supplementary Planning Guidance (SPG), and I have taken account of those policies and guidance as a material consideration. However, the powers under the Regulations for the control of advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's Local Plan policies have not therefore, by themselves, been decisive.
5. The site is located adjacent to the flank wall of No 927 Queslett Road and is currently occupied by an existing 48 sheet poster advertisement. The appellant indicates that the existing advertisement benefits from deemed consent and was illuminated between 2008 and 2012. I have no evidence to

the contrary. Given the evidence before me, I have assessed the proposal on the basis that if the appeal were to be dismissed, the existing advertisement would remain.

6. The proposal is for a replacement advertisement with the same dimensions occupying the same location. The replacement would be a digital LED display and would show static images which would change every ten seconds. The evidence before me shows that the level of illumination for the proposed advertisement would accord with the requirements of the Institute of Lighting Professionals recommendations of luminance according to 'Brightness of Illuminated Advertisements'. The depth of the casing would be approximately 250mm compared to the depth of the existing advertisement which is approximately 150mm.
7. Whilst noting that there are a small number of commercial properties fronting Queslett Road, including a parade of shops and a public house, the area is primarily residential in character. Advertisements that have been provided in association with the commercial properties are of limited size, with modest levels of illumination. The site, which is viewed in association with the dwellings in Brockwell Street, is particularly visible when heading along Queslett Road from the north east.
8. The proposed LED digital poster would result in the introduction of an illuminated advertisement significantly larger than any other signs in the locality. Its illuminated surface would appear prominent within the streetscene, particularly during the hours of darkness. Moreover, the illuminated LED advertisement would contrast starkly with its residential surroundings and would be a visually intrusive and dominant feature within the street scene.
9. The appellant has indicated that the existing display has been in situ for over ten years without any action being taken to remove it and this provides a good indication that a display of the size proposed can comfortably assimilate into the street scene. However, I note that during the last 7 to 8 years it has not been illuminated. The introduction of illumination, as proposed, following this lengthy time period, would result in a significant change to the visual amenity of the area that local residents, and other members of the public visiting the area, have been accustomed to.
10. I have considered the appellant's suggestions for controlling the luminance, including the offer to reduce the level of illuminance to 200cd/m², and the frequency of changing the LED display. However, in this particular case these matters would not overcome my concerns with respect to the harm that I have identified.
11. In light of the above I consider that the proposal would cause unacceptable harm to the visual amenity of the area and, insofar as they are material, would not accord with policy PG3 of the LP, saved paragraphs 3.14C-D of the UDP and the SPG, which jointly seek to secure high quality design that does not adversely affect visual amenity. In that regard I also consider that the proposal would be contrary to the National Planning Policy Framework which supports well sited and designed advertisements.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR