



Appeal Decision

Site visit made on 20 October 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/P4605/Z/20/3249594

115 Hamstead Hill, Birmingham B20 1BX

- 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 Mercia Outdoor Advertising Ltd against the decision of Birmingham City Council.
 - The application Ref 2019/09551/PA, dated 15 November 2019, was refused by notice dated 2 March 2020.
 - The advertisement proposed is display of 2no 48 sheet LED media displays to replace existing 48 and 96 sheet displays.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the advertisement panels on the amenity of the area.

Reasons

3. The Town and Country Planning (Control of Advertisements) Regulations state that only amenity and public safety can be taken into consideration when assessing a proposal. The Council have raised no issues with regard to public safety so I shall not consider that matter any further.
4. The proposal involves the removal of the existing 3no. advertisement displays currently located on the edge of the site at the north and south boundaries and replacement with 2no. illuminated LED display units at the same boundaries. The units would measure 6m x 3m, be 600mm deep and be positioned 3m above ground level.
5. The site is located close to a junction and alongside a busy highway and is also within the Green Belt and located adjacent to an area of public open space. Paragraph 5.3 of the Supplementary Planning Guidance 'Location of Advertisement Hoardings' states that Green Belt and public open space locations are not normally allowed as they are likely to spoil the appearance of the open countryside and areas of public open space.
6. The appeal site is prominently located within the street scene. The elevated nature of the advertisements, taken with its size and design would result in it being significantly more prominent in the street scene than the hoarding that it is intended to replace.

7. While the proposed advertisements would be same size as the existing 48 sheet panels, and in broadly the same locations, due to their internally illuminated and changing display, would be a more prominent feature within the street scene, particularly during the hours of darkness and periods of inclement weather. The nature and form of the display would draw greater attention and thereby increase the perception and effect of the advert, even taking account of the external illumination of the existing display.
8. Although there are a number of commercial premises in the area that also have illuminated signage, none are of the form or scale as the proposed advertisement. The proposal would thus appear to be a dominant and intrusive feature, which would have a harmful effect on the visual amenity of the area. While the existing advertisement appears to have been in place for a number of years, and the appellant states that it benefits from deemed consent, this is not a compelling factor that outweighs the harm I have identified. It would introduce an overly commercial feature into this attractive area which would be harmful to the visual amenity of the locality. The existing vegetation surrounding it would not mitigate this harm.
9. I find the proposals are in conflict with Policy PG3 of the Birmingham Development Plan 2017 and the appropriate guidance (Paragraph 132) of the National Planning Policy Framework (2019) which collectively expect proposals to create a positive sense of and local distinctiveness with design that responds to site and area context and take account of cumulative impacts.

Other Matters

10. I note the appellants comments regarding the screening of the commercial site to the rear, but this screening is done by the existing consented advertisements and therefore can only be attributed minimal weight in the assessment.

Conclusion

11. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR