
Appeal Decision

Site visit made on 6 October 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/C4615/Z/20/3256826

Mill Street Business Park, Bridge Street, Halesowen, Dudley B63 2UA

- 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 Mr Mohammad Ajaz against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P20/0455, dated 27 March 2020, was refused by notice dated 4 June 2020.
 - The advertisement proposed is described on the application form as 'Business Signage'. (sic)
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Decision

1. The appeal is allowed and express consent is granted for non-illuminated totem sign 1A (to the north of the access) and non-illuminated totem sign 1B (to the south of the access) at Mill Street Business Park, Bridge Street, Halesowen, Dudley B63 2UA in accordance with the terms of the application Ref P20/0455, dated 27 March 2020, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 6) The signs permitted by this consent shall be erected in accordance with the following approved plans: Site and Location Plan Drawing No. 004 Rev. B; Proposed Site Plan and Elevation Drawing No. 001 Rev. B; Proposed Sign Boards (1) Drawing No. 002.
 - 7) The signs permitted by this consent shall not be illuminated by any method.

Procedural Matters

2. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies (and the Shopfront and Advertisement Supplementary Planning Document) are not determinative, but I have taken them into account as a material consideration.
3. On the decision notice the Council have described the development as 'part A: sign 1A (to the north of the access) non-illuminated totem sign; part B: sign 1B (to the south of the access) non-illuminated totem sign'. I have revised this description slightly to 'non-illuminated totem sign 1A (to the north of the access) and non-illuminated totem sign 1B (to the south of the access)'. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

4. When determining the original application, the Local Planning Authority (LPA) issued a split decision, granting permission for proposed sign 1B and refusing permission for proposed sign 1A. Consequently, in accordance with section 79(1)(b) of the Town and Country Planning Act 1990 I have considered afresh the proposal for both of these signs as if the application had been made to the Secretary of State in the first instance.
5. When on my site visit, I observed that sign 1B had already been erected. I also observed that three other signs had been erected at a lower height and fixed to the fencing at either side of the site entrance. Notwithstanding these signs being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.

Main Issue

6. In the context of the above, the main issue is the effect of the proposed signs 1A and 1B on the visual amenity of the area.

Reasons

7. The appeal site is situated just off Cradley Road and is adjacent to a tyre shop and auto service centre on one side and residential development on the other. Further along Cradley Road, on the opposite side to the appeal site there is a large advertising billboard. Close to this billboard there are also several totem advertising signs that are located either side of a vehicular access. A bit further along the road on the same side as the appeal site close to the junction of Macarthur Road and Cradley Road, there is also another totem advertisement sign for a MOT, service and accident repair business.
8. Given the presence of similar totem signs in the area fronting onto Cradley Road that are of a comparable height to the proposal with some being located either side of a vehicular access, I consider that the proposal would not be a discordant addition to the street scene on this part of the road. Consequently, whilst I note that the height of proposed sign 1A would be above 4 metres in height, I consider that it would not have an adverse visual impact.
9. Furthermore, given the distance of these similar totem signs from the appeal site and the fact that all but one of these signs are on the opposite side of the road, I find that the proposal would not result in an over proliferation of such advertisements or a cumulative cluttering of the street scene on the part of Cradley Road where the proposal would be located.
10. I therefore conclude that the proposal would not materially harm the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan and national policy so far as they are relevant. Policies D12 of the adopted Dudley Development Strategy 2017, Policy ENV3 of the adopted Black Country Core Strategy 2011, the adopted Dudley Shopfront and Advertisement Supplementary Planning Document 2017, and paragraph 132 of the National Planning Policy Framework seek to protect visual amenity and so are relevant in this case.
11. As I have concluded that the proposed advertisement would not harm visual amenity, it would consequently also accord with these policies and supplementary guidance.

Conditions

12. In addition to the five standard advertisement conditions, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. In the interest of the visual amenity of the area I have also imposed an additional condition prohibiting the illumination of the proposed signs.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

C Coyne

INSPECTOR