



Appeal Decision

Site Visit made on 16 February 2021 by Gareth Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/P4605/Z/20/3263695

197 Dudley Road, Birmingham B18 4HN

- 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 Bryan Smith of Mercia Outdoor Advertising Ltd against the decision of Birmingham City Council.
 - The application Ref 2020/06111/PA, dated 2 July 2020, was refused by notice dated 6 October 2020.
 - The advertisement proposed is reintroduction and upgrade of a 96 sheet LED media display and associated logo box to a digital format.
-

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.

Preliminary Matters

3. The Council has referred to the effect of the proposed advertisement on the setting of nearby Listed buildings. As such, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have had special regard to the desirability of preserving the listed building, its settings or any features of special architectural or historic interest.

Main Issue

4. The effect of the proposals on the visual amenity of the area and whether the proposals would preserve the setting of the Grade II* Listed Summerfield Community Centre.

Reasons for the Recommendation

5. The site is located on an island bound by roads on all sides, albeit the road to the west is a cul-de-sac which provides vehicular access to the Summerfield Community Centre. To the south of the site are a run of red brick buildings that are used for commercial purposes and to the north is a used car sales lot. The proposed advertisement would be located up against the rear elevations of the commercial buildings, overlooking the car parking area. The area around the site is a mix of residential and commercial uses.

6. Summerfield Community Centre is a large red brick Victorian building that was historically used as a school and the associated playground is located between the listed building and the site. The main elevation of the building faces towards the site and there is limited development around the building. The original school yards have been retained and this provides an open aspect which enables the detailed Victorian architecture to be viewed and appreciated and emphasises the historical importance of the building to the area. The scale and grand appearance of the building also makes it a focal point for the area. Its setting, being the area in which the building is appreciated and enjoyed¹, encompasses quite a wide area on account of the prominent position on the junction. The buildings on the western side of the A4040 are typically red brick Victorian terrace development, with modern commercial development to the east. Whilst some development in the surrounding area may have been less than sympathetic to the setting of the listed building that does not dilute the extremely positive impact that the building has within the wider area.
7. Given the limited distance between the site and the listed building, when approaching the site from the north along the A4040, the listed building and the site are viewed together as part of a shared setting. On the opposite side of the road are a number of modern commercial premises and in the context of those buildings, the advertisement would not appear out of character. Nevertheless, because the site is located on the same side of the A4040 as the listed building and because it is located within a shared setting, the advertisement would introduce a large modern commercial advertisement into the relatively undeveloped area immediately around the listed building. From those vantage points there are presently few features that impair the ability to enjoy the Victorian era building in something like its original form.
8. Given the substantial scale of the proposed hoarding, its modern commercial appearance, and the close relationship of the site with the listed building, the proposal would draw the eye in a prominent location on the approach to the building. The bulky profile would appear incongruous against the finely detailed architecture of the former school and the proposed illumination would further distract those wishing to view and appreciate the listed structure, even taking account of the potential to control the level of luminance. For all of those reasons the proposal would fail to preserve the setting of the listed building and as a result would cause harm to the visual amenity of the area.
9. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the scale of the proposed development, and the fact that it would only be viewed from specific angles in the context of the listed building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposed advertisement would provide private benefits to the appellant, in terms of revenue generated from the advertisement but would not provide defined significant public benefits.

¹ See definition in the Glossary of the National Planning Policy Framework, page 71

10. There was previously an advertisement hoarding on the site, in the same location as the proposed advertisement. Nevertheless, it is not clear if advertisement consent was ever granted for that former billboard, although reference to a smaller 48 sheet display being approved in 1987 is made in the summary of the site history in the officer report. In any event, the former hoarding has now been removed and I must consider the current proposal for the erection of a new hoarding having regard to the visual amenity of the area and the setting of the listed building. The fact that a previous hoarding existed does not alter my conclusion on the harm that would arise or lead me to alter my recommendation, particularly having regard to the statutory duty in respect of the listed structure.
11. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the listed building. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework. I have also taken into consideration Policy PG3 and TP12 of The Birmingham Development Plan 2031 (adopted 2017) which requires development to preserve or enhance heritage assets, which the proposal would fail to do. The proposal would also be contrary to the Location of Advertisement Hoardings (DC Guidelines No.40) Supplementary Planning Guidance (published 1998) which notes that advertisements will not normally be acceptable within the setting of listed buildings.

Conclusion and Recommendation

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

G Sibley

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, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR