



Appeal Decision

Site Visit made on 1 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/C4615/Z/21/3270856

Petrol Filling Station, Bromsgrove Road, HALESOWEN, B63 3HJ

- 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 Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/0048, dated 11 January 2021, was refused by notice dated 5 March 2021.
 - The advertisement proposed is the installation of internally illuminated 48-sheet advertising display and ancillary vertical meadow.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated 48-sheet advertising display and ancillary vertical meadow as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 5000 candela per square metre in daytime and 300 candela per square metre in nighttime.

Main Issue

2. The main issue is the effect of the proposal on amenity.

Reasons

3. The site lies on a busy dual carriageway through Halesowen. There are residential properties near to the site, however the immediate area surrounding the site contains commercial units, a filling station (with associated signage and totem) and a dual carriageway giving the area a commercial character. The proposal would be located on a filling station forecourt next to a Halfords advertisement and car wash and tyre pressure machine.
4. The proposal would be viewed against the neighbouring Access House and whilst it would project above the flat roof element of this building, when travelling along the dual carriageway the proposal would also be seen against the pitch roof of Access House, which is a similar height to the proposal. It would also be seen in the context of the tall filling station canopy and totem sign. When viewed against its context the proposal would not appear as an unacceptably strident or incongruous feature.
5. Concerns have been raised by the Council regarding the clutter of advertisements at this location. On site I noted that Access House had an advertisement displayed on its side elevation, however this will be covered by

the proposal. A flag advertisement for the filling station and small moveable pavement signs were located at the site of the proposal. Such advertisements are not unusual in relation to a filling station and are seen as part of the wider commercial use of the area. As such, with regards to the clutter of advertisement I consider that the proposal would have a neutral effect.

6. Overall, the proposal would not appear out of place in relation to adjacent buildings or its surroundings. Accordingly, I am satisfied that there would not be any unacceptable cumulative effect or any significant harm to the visual amenity of the area.
7. I can therefore find no conflict with Development Strategy¹ policy D12 or the SPD² which seek to ensure that proposals are in keeping with the scale and character of the area and any nearby buildings. I also find that the proposal complies with paragraph 132 of the Framework.

Conditions

8. In order to ensure the proposal remains acceptable in terms of its visual appearance I consider it necessary to attach a condition in relation to the intensity of illumination. The appellant has suggested further conditions in relation to image frequency, hours of operation and failure, however I do not consider that these are necessary in order to make the proposal acceptable.

Conclusion

9. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

Tamsin Law

INSPECTOR

¹ Dudley Borough Development Strategy (2017)

² Shopfront and Advertisement Supplementary Planning Document (2017)