



Appeal Decision

Site Visit made on 1 June 2021 by John Gunn DipTP, DipDBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/P4605/Z/21/3270406

3, Salisbury Road, Moseley and Kings Heath, Birmingham, B13 8JS

- 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 Martin Jeffers against the decision of Birmingham City Council.
 - The application Ref 2021/00044/PA, dated 4 January 2021, was refused by notice dated 5 February 2021.
 - The advertisement proposed is Small sign at the gates of my house promoting my services as a financial adviser. My house has a physio therapist immediately to the right with signage and a dentist 2 doors down with signage.
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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 National Planning Policy Framework (the Framework) sets out at paragraph 67 that advertisements should be subject to control only in the interests of amenity and public safety.
4. In this instance, there is no indication that the advertisements would result in an adverse effect on public safety, with the Council offering no objections to the advertisement on this ground. On the basis of my observations of the advertisement, the appeal site, and its environs, this is a conclusion with which I would agree. However, the Council has raised concerns in respect of the impact on amenity, and that there would be a significant adverse impact on the character of the conservation area within which the appeal site is located.
5. As a consequence, the main issue is whether the advertisement preserves or enhances the character or appearance of the Moseley Conservation Area

Reasons for the Recommendation

6. The proposed advertisement comprises a non-illuminated sign that would be positioned above the front boundary wall of a three-storey residential property. The appeal site is located within Salisbury Road immediately adjacent to the boundary of the primary shopping area of the Moseley Local Centre.

7. Salisbury Road was originally developed on part of Moseley Hall Estate and is predominantly residential, with associated green spaces. Although a high proportion of the houses are detached there are also large semi-detached properties. Some of the houses near to the Local Centre have been converted into flats and commercial premises.
8. The appeal site is within the Moseley Conservation Area where section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. A strict control over the display of outdoor advertisements should therefore be maintained.
9. The Council's decision notice refers to Policy PG3 of the Birmingham Development Plan 2017 (DP). This policy, amongst other matters, seek to ensure that all new development is expected to demonstrate high design quality. Advertisements do not fall within the definition of development and consequently this policy is not relevant to the appeal before me.
10. Whilst not decisive, I have had regard to Policy T12 of the DP, which seeks to protect, enhance, and manage the historic environment in ways that contribute to its character. This Policy is reinforced by Policy UD 2 of the Moseley Supplementary Planning Document 2014 (SPD) which seeks to ensure that any new development (especially within the conservation areas and village centre) respects their character and is of the highest design standard.
11. Whilst, I find that the proposed forecourt sign is modest in size and is not located in a prominent position, it would nevertheless introduce an additional commercial feature into Salisbury Road. Despite the presence of a limited number of business uses, the sign would detract from the prevailing and retained residential character of the street by further extending the commercial character. It would not reflect the positive qualities and appearance of this part of the conservation area and would neither preserve nor enhance its character or appearance.
12. In support of his position the appellant has referred to other advertisements in the locality, however it is unclear from the evidence before me whether they benefit from consent. Their presence does not persuade me to allow an advertisement that I have found to be harmful to the visual amenity of the area.
13. In light of the above I consider that the proposal would cause unacceptable harm to the visual amenity of the area and, insofar as it is material, would not accord with policy TP12 of the DP, which seeks to protect, enhance, and manage the historic environment in ways that contribute to its character. 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.

Other Matters

14. I note the appellant refers to the commercial needs of the business that the proposed advertisement seeks to promote, however I am not persuaded that those commercial needs in this instance would outweigh the harm identified to the visual amenity of the area.

Conclusion and Recommendation

15. For the reasons above, I consider that the advertisement is materially detrimental to interests of amenity, and having taken account of all other matters raised, I recommend that the appeal should be dismissed.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Seaton

INSPECTOR