
Appeal Decision

Site visit made on 29 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/P4605/Z/21/3273023

38 Holyhead Road, Birmingham, B21 0LS

- 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 D Bassey (Second City Housing Ltd) against the decision of Birmingham City Council.
 - The application Ref 2021/00311/PA, dated 13 January 2021, was refused by notice dated 12 March 2021.
 - The advertisement proposed is described as 'proposed advertising sign.'
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Decision

1. The appeal is allowed and express consent is granted for proposed advertising sign at 38 Holyhead Road, Birmingham, B21 0LS in accordance with the terms of the application Ref 2021/00311/PA, dated 13 January 2021, for five years from the date of this consent, subject to the standard conditions in Schedule 2 of the Regulations.

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 drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The advertisement appeared in situ when the site visit was conducted.

Main Issue

5. The Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue in this case is the effect of the advertisement on the visual amenity of the area.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons for Recommendation

6. The appeal property is one of a short row of business premises, set back from and fronting the busy Holyhead Road. The pavement to the front of the property is wide and the premises has a small open forecourt. It is in a principally commercial area with residential dwellings located off the main road.
7. Advertising in the area is generally limited to non-digital, non-illuminated fascia signs above shop fronts and at a high level above and at the boundary of premises. Whilst projecting signs from the front elevation of premises is a less usual configuration in the area, it is not uncommon. Indeed, I observed similar arrangements at premises opposite and other examples to both the east and west along the Holyhead Road.
8. The advertisement is in a prominent position as the road levels in this wide street scene. However, it does not encroach on the footpath and its limited palette and low-key style blends well with other fascia signage in its immediate vicinity above shop units. Moreover, the projecting sign whilst clearly visible does not dominate its setting or surroundings as it is in keeping with the type, style, colour and arrangement of advertisements in the wider street scene. I therefore conclude, for these reasons, that the advertisement does not appear incongruous or uncharacteristic and does not have a harmful effect on the visual amenity of the area.
9. Although not determinative in this case the advertisement accords with policy PG3 of the Birmingham Development Plan and saved paragraph 3.14D of the Birmingham Unitary Development Plan, which collectively state that proposals will be expected to demonstrate a high design quality contributing to a strong sense of place. It would also be consistent with policies of the National Planning Policy Framework which seek well design places.

Conditions

10. The Council has not suggested conditions in addition to the standard conditions applicable to advertisements under the Regulations and I find no reason to disagree with this conclusion.

Other Matters

11. I have not been provided with details regarding the status of other signage at the appeal property. Therefore, it is not a matter in the scope of this case and has not been a determinative factor in the appeal.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and concur that the appeal should be allowed with the five standard conditions set out in Schedule 2 of the Regulations.

RC Kirby

INSPECTOR