

Appeal Decision

Site visit made on 11 August 2021

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/P4605/Z/21/3274398
Kingstanding Rd/Kings Rd/Rough Rd/Kettlehouse
Rd Roundabout, Birmingham B44 9HH

- 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 Steve Green (CP Media) against the decision of the Birmingham City Council.
 - The application Ref 2021/02042/PA, dated 8 March 2021, was refused by notice dated 29 April 2021
 - The advertisements proposed is described as 'Consent requested to install and display five non-illuminated roundabout sponsorship signs on the roundabout facing each of the entrance roads at Kingstanding Rd/Kings Rd/Rough Rd/Kettlehouse Rd B44 9HH'.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements 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) There must be a 2m buffer from roundabout edge to each sign and each sign shall be no higher than 1.05m above the carriageway.

Preliminary matters

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations 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.
 3. The application form describes the proposal as 'Consent requested to install and display five non-illuminated roundabout sponsorship signs on the roundabout facing each of the entrance roads at Kingstanding Rd/Kings Rd/Rough Rd/Kettlehouse Rd B44 9HH'. However, the Council's decision notice more accurately describes the proposed development as 'Display of 5 no. non illuminated fascia signs'. I have considered the appeal on this basis.
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4. At the time of determination, the Council considered that the planning application was not supported by sufficient information to allow it to assess whether this proposal would harm the visual amenity of the area and/or highway safety. I have therefore carefully reviewed all of the documentation submitted in support of the appeal and I conclude that it provides the necessary information to allow me to assess the proposal in relation to amenity and public safety.

Main issues

5. The main issues in the appeal are:
 - The effect of the proposed advertisements on the amenity of the area; and
 - the effect of the proposed advertisements on public safety.

Reasons

Amenity

6. The appeal site is a road traffic island which is bounded by Kingstanding Road, Kings Road, Rough Road and Kettlehouse Road. The surrounding area is predominantly commercial in character. The Mecca Bingo Hall is a Grade II Listed Building and is located on the corner of Kettlehouse Road and Kings Road. This building is imposing in scale and contributes to the amenity of the area. I am therefore mindful of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the need to have special regard to the desirability of preserving the setting of a listed building.
7. The proposal is as described above and would consist of 5 no. non-illuminated fascia signs. Each sign would measure 1.5 metres in length by 0.5 metres in width and would be 0.350 metres from ground level to base, supported by two metal poles. As such, the proposed adverts would be modest in size and would not be visually prominent when viewed in the context of the predominantly commercial street scene. Furthermore, given the site specific context and its location, the proposed adverts either on their own or cumulatively with the adjacent advertisements would have a neutral effect on the setting and therefore, the significance of the Grade II Listed Building identified above.
8. Having come to the conclusions above, the proposed 5 no. non-illuminated fascia signs in this site specific location would not result in material harm to the amenity of the area.

Public safety

9. Displays of the size and form proposed are commonly experienced whilst using an urban/city transport network. The speed of the highway traffic approaching the roundabout is constrained by a combination of the volume of vehicle movements and pedestrian crossings (Zebra and Pelican). Consequently, given these specific road conditions the

advertisements would be visible from a sufficient distance, allowing adequate time for them to be seen and their content noted by drivers without causing confusion or surprise when approaching the roundabout. Moreover, this conclusion is consistent with the comments provided by the Council's Transportation North team, who conclude that subject to a 2m buffer from roundabout edge to each sign and that each sign should be no higher than 1.05m above the carriageway, the advertisements would not result in any highway safety issues.

10. Having reached the conclusions above, the proposed advertisements would not result in material harm to public safety subject to an additional condition with regard to siting and height in relation to the carriageway.

Conclusion

11. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR