
Appeal Decision

Site visit made on 16 November 2021 by A J Sutton BA (Hons) DipTP MRTPI

Decision by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2021

Appeal Ref: APP/Q4625/Z/21/3278088
197 Warwick Road, Solihull B92 7AW

- 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 Ben Porte, Clear Channel UK Ltd against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/00458/ADV, dated 18 February 2021, was refused by notice dated 27 May 2021.
 - The advertisement proposed is described as 'Installation of illuminated 48-sheet D-Poster measuring 6m by 3m. - display would be illuminated to levels advised by PLG05; - would display images at a frequency of once every 10 seconds; and - Images would be static meaning no moving images or video.'
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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.

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 Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.

Main Issue

5. The main issue is the effect of the proposed advertisement on the amenity of the area.

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

Reasons for Recommendation

6. The appeal site is on the northern boundary of the forecourt of a fuel station. It is adjacent to a short row of properties with commercial uses at street level. Although the immediate setting of the site is ostensibly commercial, it is a local retail and service centre for the surrounding residential areas. Warwick Road is a main route to the City centre, however the pattern of development at this stretch is suburban in character and softened by the mature street trees.
7. The fuel station has existing signage and advertisement, which include a canopy and totem style sign. The end gable at No.193 Warwick Road, overlooks the forecourt and has non digital advertisements at first floor level. Beyond these examples, signage in the area is generally constrained to fascia signs above premises. I also observed at the time of my site visit, there were no large digital advertisements within the vicinity of the site.
8. The proposed advertisement would comprise a large digital panel that would be freestanding and elevated by two supporting posts, set against the boundary fence. The panel would cover a substantial proportion of the side elevation of the adjacent commercial property. It would introduce a stridently modern and different style of advertising which is more characteristic of a city or main commercial centre than a suburban setting. Whilst lighting of the panel can be controlled and luminance levels would be in accordance with the Institute of Lighting Professionals specifications². The visual texture and appearance of such a high-resolution LED digital display is quite different from paper format advertisements.
9. Therefore, the proposal would be distinctly different from the shape and design of signage at the fuel station and would be out of keeping with the style and scale of other existing advertisements in the area. The panel would be set below the eaves of No.193 and would be lower than the canopy of the fuel station. However, the large, uncharacteristic advertisement would be stepped back from the forecourt and clearly visible. It would dominate the street scene and therefore would not appear a subservient structure in this respect. Regardless of other illuminated features such as street lighting, which is to be expected along a road, the incongruous form of the digital advertisement would appear at odds with the prevailing character of the area.
10. Although the views of the uncharacteristic feature would be limited principally to the north west, it would harmfully alter the existing sense of place and would as a result be an insensitive addition to this part of Warwick Road.
11. I therefore conclude that the advertisement would have a significant adverse effect on the amenity of the area. Although not decisive in this case it would be contrary to policy P15 of Solihull Local Plan 2013 which expects proposals to achieve good quality, inclusive and sustainable design.
12. Moreover, the proposed advertisement would also conflict with paragraph 136 of the Framework, with regards to achieving well-designed places and that the quality and character of places can suffer when advertisements are poorly sited and designed.

² The Brightness of Illuminated Advertisements, PLG05, 2015

Other Matters

13. The appellant refers to the benefits that digital advertisement would have including being more efficient and a sustainable media platform, reduce vehicle trip generation and be recyclable. I acknowledge the digital display would generate economic activity for users of the screen for advertising products / services. However, these benefits would be limited in scale and do not outweigh the harm to amenity.
14. The Council acknowledge that the proposal would not have an adverse impact with respect to highway safety or public safety. However, this is a neutral consideration weighting neither for nor against the proposed advertisement.

Conclusion and Recommendation

15. For the reasons outlined above, and having regard to all other matters raised, it is recommended that the appeal should be dismissed.

A J Sutton

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, I agree with the recommendation and shall dismiss the appeal.

KA Taylor

INSPECTOR