
Appeal Decision

Site visit made on 16 November 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: 20 December 2021

Appeal Ref: APP/P4605/Z/21/3278410

**Jimmy Spices Ltd, Unit 4 Regency Wharf, Broad Street, Birmingham,
B1 2DS**

- 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 Mike Hodson C/O Mike Hodson Signs against the decision of Birmingham City Council.
 - The application Ref 2021/01594/PA, dated 24 February 2021, was refused by notice dated 3 June 2021.
 - The advertisement proposed is a Non illuminated background panel, with face and halo built up illuminated letters with tag line illuminated from behind.
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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. A sign was in place at the time of the site visit. I saw that the panel covered the central section of the appeal site and was smaller and different in details from the drawings which form the basis of this appeal. For avoidance of doubt this recommendation is limited to the drawings which formed the basis of the original planning application and determined by the Council.

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

Main Issue

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

Reasons for Recommendation

6. The appeal site is a recessed plain concrete wall which forms part of the base of the modern Regency Wharf three storey building, close to the entrance of the Jimmy Spices restaurant. A public house inhabits most of the ground floor of the building with other businesses, including the restaurant, at upper floors. The appeal site forms part of the primary frontage of Broad Street and has a prominent and central location. It is on a principal route to businesses, event venues, restaurants and other key attractions of Birmingham's City centre. The mixed commercial area transitions from period properties to large contemporary buildings, and in turn, the openness of the recently redeveloped Centenary Square.
7. Regency Wharf is flanked to the east and west by totem style signs which are positioned above street level and extend a substantial length down the side of the building. The totem near the entrance of the restaurant is dual aspect. There is a substantially sized fascia style sign above the eastern entrance to the public house and a smaller information style sign positioned at eyelevel on the western side of the building. All signs indicate that the restaurant is in the building and therefore although it has limited street level frontage, with the access to the side, there are numerous alerts for members of the public to the location of the restaurant.
8. With the exception of the totems and the large digital advertisement on the footbridge over Broad Street, signage in the area is limited to mainly understated fascia style signs above premises.
9. Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. The Regulations state that 'amenity' includes aural and visual amenity and that factors relevant to amenity include the general characteristics of the locality. The Planning Practice Guidance (PPG) advises that in assessing amenity, the local characteristics of the neighbourhood would always be considered².
10. Although the appeal site was part covered, a significant proportion of the wall remained unobscured and was visible at the time of the site visit. I have also had regard for the images submitted that show the full extent of the wall. The small holes and blemishes visible are only apparent at its immediate vicinity. Given its recessed position and the dominance of the curved overhang of the Wharf building, it does not appear an unsightly feature when observed as part of the large building or in the wider street scene. Moreover, when in close proximity, the imperfections are not at odds with the strong modern architectural aesthetic of this and other buildings in the area. Therefore, the simple appearance of the wall is a neutral feature which blends into this modern and mixed part of the street.
11. The proposal would cover the full extent of the wall near the entrance of the restaurant. The colour palette and proposed simple text would be consistent

² Paragraph: 079 Reference ID: 18b-079-20140306

with other signage on the building at a higher position. However, it would result in a large solid matt black form at street level which would overwhelm a substantial section of the building's elevation at this aspect. In this regard the stark dark mass would obscure original architectural features of the building, rather than harmonise with, or enhance, the building's frontage in this prominent location. The excessively large sign would also appear an incongruous addition at street level, in an area where signs are generally at a higher level, and in cases where they are positioned lower, are significantly smaller than that proposed. In these respects, it would not complement the appearance of the building and would be out of keeping with advertisements in the area.

12. A city centre location and the associated night-time industry it supports warrants consideration of crime when designing street level signs. However, this matter is outside the scope of the Regulations and would not be a justification for an oversized sign which fails to respect or enhance the appearance of the building and the character of this prominent location.
13. I therefore conclude that the advertisement would have a harmful effect on the visual amenity of the area. Although not decisive in this case the proposal would conflict with policy PG3 of the Birmingham Development Plan, Paragraph 3.14D of the Birmingham Unitary Development Plan and policy DM7 of the publication version of the emerging Birmingham Plan (2019) which collectively require that proposals demonstrate high design quality and in respect to advertisements be designed to a high standard.

Other Matters

14. Issues regarding engagement with the Council are outside the scope of Regulations governing this appeal and are not relevant to this recommendation.

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 agree with the recommendation. The appeal is therefore dismissed.

RC Kirby

INSPECTOR