



Appeal Decision

Site visit made on 17 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/C4615/Z/21/3284796

Reel Cinemas, Hagley Road West, Halesowen B62 9AS

- 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 C/O Clear Channel UK Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1544, dated 16 August 2021, was refused by notice dated 30 September 2021.
 - The advertisement proposed is an installation of wall-mounted internally illuminated 48-sheet D-Poster display - illumination to comply with Institute of Lighting Professionals' PLG05 - Frequency of images to be no greater than once every ten seconds - No moving images, video or flashing lights to be displayed.
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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 Matter

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.

Main Issue

4. 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. Therefore, the main issue in this case is the effect of the advertisement on the amenity of the area.

Reasons for the Recommendation

5. The Reel Cinema is a good example of an early/mid-20th Century cinema building. Its architecture is typical of that era, with geometric forms and limited use of materials contributing to its distinct monolithic appearance. There is a

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

non-digital sign at its front elevation, but the sides of the building remain blank. Therefore, despite some alterations, the building's period elegance and simplicity can still be appreciated, and it is a prominent feature on this straight stretch of road that positively contributes to the mixed commercial and residential character of the area.

6. Whilst most of the side elevation would remain uncovered, the proposed advertisement would be a large structure and mounted at a high level. It would as a result, not appear as a subservient feature on the building. Moreover, the wide expanse of pressed metal with a reinforced plastic frame would not be respectful of a building that is distinguished by its limited use of materials. Consequently, the unsympathetic large structure would dominate and erode positive architectural characteristics of the building and would harm its appearance in these regards.
7. The substantial advertisement, which is internally illuminated, with a LED display and changing images, would be a stridently modern addition to the area. Its style and design would starkly contrast with existing low-key signage on the Cinema. Moreover, whilst the street scene is already well-lit, the digital nature of the sizeable display would be distinctly different from existing light sources in the area. As a result, it would be an incongruous feature not only on the building, but also in the surrounding area.
8. For the reasons outlined, the modern aesthetic of the proposed advertisement would be a detrimental addition to the building. The harm to the appearance of the building would be localised, but the quality and character of the area would suffer as a result of the poor siting of the overbearing advertisement.
9. The content of the advertisement could include subject matters related to the Cinema. However, this would not overcome the harm identified to the appearance of the building and the wider area. Conditions limiting luminance values to Lighting Professionals recommended standards, movement of images and hours of operation, would not minimise the scale and appearance of the advertisements and the detracting effect it would have on the appearance of the building and the character of the area.
10. I note the proposal would not result in harm to public safety, but this is an expectation of all proposals and therefore a neutral factor that does not weigh in favour of this appeal.
11. I find therefore that the advertisement would have a harmful effect on the amenity of the area. Although not decisive in this case, the proposal would be inconsistent with policies S8 and D12 of the Dudley Borough Development Strategy, which require, amongst other things, that proposals should take account of the locally distinctive character of the area, stating that advertisements which will be detrimental to the appearance of the building and visual amenity and character of the surrounding area will be resisted.
12. It would also be inconsistent with advice in the Planning Practice Guidance and policies of the National Planning Policy Framework which seek well designed places.

Other Matters

13. I have had regard to efficiencies, waste and environmental benefits that distinguish this modern form of advertising. However, these are issues that are

outside the scope of considerations identified in the Regulations and for this reason cannot weigh in favour of the proposal.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

Hollie Nicholls

INSPECTOR