



Appeal Decision

Site visit made on 15 February 2022 by Max Webb BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/P4605/Z/22/3290237

31-37 (Forecourt) Birmingham Rd (A5127), Sutton Trinity, Sutton Coldfield B72 1QE

- 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 ELONEX SIGNS against the decision of Birmingham City Council.
 - The application Ref 2021/09004/PA, dated 13 October 2021, was refused by notice dated 20 December 2021.
 - The advertisement proposed is display of two digital poster panels in back-to-back formation each measuring 6m x 3m (with internal led illumination) on a freestanding monopole support structure.
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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.

Main Issue

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

Reasons for the Recommendation

4. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

5. The appeal site is located in the forecourt of a large building that has visible commercial activity at ground floor level. The surrounding area contains mostly smaller scale buildings that have fascia signs related to ground floor shops. The character is therefore of a relatively traditional shopping street, with few digital displays or large standalone advertisements.

6. The building behind the appeal site retains the character of the area through its conforming fascia signs that relate to the commercial activity on the ground floor level. The proposal would introduce a digital display board in the forecourt of the building. Whilst the advertisement would not be large in comparison to the building as a whole, it would be out of proportion with the ground floor commercial activity. The scale of the display board, combined with its positioning in the forecourt, would lead to the proposal appearing out of keeping with the building behind.
7. Although the surrounding area is commercial in character, the introduction of a modern digital display would appear inappropriate in the context of the more traditional fascia signs seen in the vicinity. Whilst the proposal wouldn't cause visual clutter, the lack of similar advertisements would lead to the proposal appearing out of character in this location. Rather than adding colour or a new point of interest in the area, it would be a prominent and out of place addition to the street scene that would fail to complement the existing commercial character.
8. Overall, the proposed advertisement would harm the visual amenity of the area. It would therefore not comply with Policy PG3 of the BDP¹ which suggests that proposals should reinforce local distinctiveness and respond to the local area context. It would also not accord with Policy DM7 of the DMB² which aims to ensure proposals for advertisements are suitably located to have no detrimental impact on amenity and be sympathetic to the character and appearance of their location.

Other Matters

9. The impact of Covid-19 on the economy and the potential of the appeal site to aid investment have been considered. However, as the proposal relates to a single site, this benefit would be limited and would not outweigh the harm to the visual amenity of the area. Although there would be no significant harm regarding residential amenity or heritage assets, these are neutral matters in the planning balance.

Conclusion and Recommendation

10. The Council has concluded that the advertisement would be acceptable in terms of public safety, and I have no reason to disagree. This, however, would not mitigate or outweigh the harm to amenity that has been identified. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR

¹ Birmingham Plan 2031 Birmingham Development Plan (adopted 2017)

² Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (adopted 2021)