



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/21/3287152

P.A.K Supermarket, 317-319 Birchfield Road, Handsworth, Birmingham, West Midlands B20 3BX

- 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 John O'Hara, Replyshort Limited against the decision of Birmingham City Council.
 - The application Ref 2021/05883/PA, dated 23 June 2021, was refused by notice dated 3 November 2021.
 - The advertisement proposed is digital screen above supermarket entrance.
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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 Issues

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

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.

Visual Amenity

5. 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.
6. The appeal site is a large property that has visible ground floor commercial activity, including fascia signs. The surrounding area has a commercial character, although most advertisements are fascia signs related to the

businesses below. There is a large billboard style advertisement on a property opposite the appeal site, although this style of advertisement is uncommon in the area.

7. The proposed advertisement would be a large billboard style digital display. Although the area is commercial in character, the modern, illuminated appearance of the proposal would appear out of character with the fascia signs seen in the vicinity. The large advertisement opposite the appeal site is not digital, so appears significantly less prominent than the proposal would. It is also positioned on the end of a terrace row angled mainly towards a smaller side street. In contrast, the digital display proposed would be positioned at higher level. It would therefore appear out of place with the surrounding commercial activity and be a highly visible interruption to the street scene.
8. The proposal would be positioned directly above the existing fascia signage relating to the supermarket on ground floor level. There would be no gap between this signage and the proposal, and the proposed display would leave no gap at the top of the property. The proposal would thus fail to respond to the scale of the property and would not fit neatly within this elevation, appearing particularly obtrusive. Rather than adding to local distinctiveness or a sense of place, the proposal would cause visual clutter due to its proximity to the existing fascia sign.
9. Although there are existing painted white boards on the elevation where the proposed display would be, these are smaller than the proposal. Furthermore, these boards are similar in colour to the window frames and ground floor level of the building, and thus appear significantly less prominent than a large digital display would.
10. Overall, the proposal would harm the visual amenity of the area. Although not decisive, it would conflict 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 conform with saved Paragraphs 3.14C and 3.14D of the UDP², which together look to protect local character. Similarly, it would not accord with Policy DM7 of the DMB³ 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.
11. The proposed advertisement would also go against the aims of Policy LC1A of the AAP⁴, which looks to improve the public realm, including signage, in the area where the appeal site is located. Likewise, the proposal would contrast with the Hoardings SPG⁵ which suggests that advertisements should give regard to the general characteristics of the locality.
12. The Council has referred to Policy GA3 of the BDP, however the wording used in this Policy suggests it primarily relates to the Birmingham City University teaching campus. As the appeal site is not located within this area, the Policy is not considered particularly relevant to this appeal. This does not, however, alter the conflict that is found with the Policies outlined above.

¹ Birmingham Plan 2031 Birmingham Development Plan (adopted 2017)

² The Birmingham Plan Birmingham Unitary Development Plan 2005 (adopted 1993)

³ Birmingham Plan 2031 Development Management in Birmingham Development Plan Document (adopted 2021)

⁴ Aston, Newtown and Lozells Area Action Plan (adopted 2012)

⁵ Location of Advertisement Hoardings DC Guidelines No.40

Public Safety

13. The appeal site sits on a junction between a road with a reasonably constant flow of traffic and a quieter side road. There is also a busier dual carriageway parallel to the road, however there are no junctions related to this dual carriageway in close proximity to the appeal site. The road arrangement in the area is thus not overly complicated. The elevation of the appeal site upon which the proposal would sit is highly visible from users of the road and parallel dual carriageway.
14. The proposal would feature static illumination that would change between advertisements at a minimum of every 10 seconds. Controlled levels of brightness, static illumination and no moving or flashing images, combined with the relatively simple road layout and highly visible positioning of the proposal would ensure it would be unlikely to cause undue distraction to road users.
15. Overall, the proposal would not cause harm to public safety. It would therefore comply with Policies PG3 and TP44 of the BDP, which together look to create safe environments, including road safety. Likewise, it would conform with Policy DM7 of the DMB, which looks to ensure proposals for advertisements have no detrimental impact on public safety. Similarly, the proposal would satisfy the aims of the Hoardings SPG, which looks to prevent advertisements that would distract the attention of drivers to an unacceptable degree.

Conclusion and Recommendation

16. Although no harm has been found in respect of public safety, this would not diminish the harm that would arise to the visual amenity of the area. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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