



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: 14 March 2022

Appeal Ref: APP/P4605/Z/22/3290227

Front Of 189 Soho Road (A41), Handsworth, Birmingham B21 9SU

- 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 2021/09005/PA, dated 13 October 2021, was refused by notice dated 17 December 2021.
 - The advertisement proposed is the display of two digital poster panels in back-to-back formation each measuring 6m x 3m (with internal led illumination) supported 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 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.
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 the edge of a car park serving a small shopping centre. The footpath between the road and the car park contains benches and greenery, and this area contributes positively to the public realm. The surrounding area is commercial in character and there are a large number of advertisements, predominantly fascia signs related to shops below, although there is a large digital display on the end of a terrace near the appeal site.
7. The proposal includes two back-to-back digital displays positioned relatively high on a freestanding pole. Whilst there are a number of advertisements in

the area, these are located predominantly above shops, and relate to the individual commercial uses. In contrast, the size and positioning of the displays would lead to a prominent interruption to the street scene and would not appear in keeping with the building behind. The large digital display in the vicinity of the appeal site is located on the end of a terrace, rather than protruding into the street. The proposal would cause greater harm to the appearance of the area and would not complement the existing commercial character.

8. The proposed displays would be positioned so that they overlap the path and area with benches and greenery. The introduction of large digital displays, rather than comprising a positive landmark in the area, would be detrimental to the relatively attractive public realm in the vicinity. There is a visual separation between commercial units provided by the footpath, benches and greenery and the proposal would add clutter to this. This would be detrimental to the appearance of the area.
9. Overall, the advertisement would harm the visual amenity of the area. Although not decisive, it would conflict with PG3 of the BDP¹, which suggests that development should respond to local area context and provide attractive environments. It would also go against the aims of Policies DM2 and DM7 of the DMB², which together look to ensure proposals are appropriate to their location, and in particular encourage advertisements to be suitably located, sympathetic to the character and appearance of their location and adjacent buildings, and to avoid clutter of the public realm.

Other Matters

10. 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 heritage issues or harm to residential amenity, these are neutral matters in the planning balance.

Conclusion and Recommendation

11. 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

12. 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)