

Appeal Decision

Site visit made on 15 February 2022 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/C4615/Z/21/3287241

BP Merry Hill, Pedmore Road, Brierley Hill, Dudley DY5 1TE

- 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 Josh Chambers (of Global) against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1630, dated 25 August 2021, was refused by notice dated 18 October 2021.
 - The advertisement proposed is 1no digital display panel.
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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.

Procedural Matter

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) require decisions to be made only in the interests of amenity and, where applicable, public safety. The proposal would not adversely affect public safety, and this has not been raised as an issue by any party. A recommendation is therefore put forth with regard only to the visual amenity of the proposed advertisement, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons for the Recommendation

5. The area is generally characterised by large commercial buildings. There are a number of advertisement displays south of the appeal site, including one which is much wider than the proposal, on the same side of the road, and within a relatively close proximity.
6. The proposed advertisement would be significantly larger than the existing advertisement and much more prominent. It would be seen together with the advertisement further to the south and cause this area to appear cluttered and dominated by large advertisements when approached from the north. For these

reasons, it would result in harm to the visual amenity of the area. The vegetation behind the advertisement would not be sufficient to mitigate the harm that would arise. Although the proposal would not display an advertisement to the south, this would not overcome the harm that has been identified with respect to its size.

7. The Shopfront & Advertisement Supplementary Planning Document (September 2017) (SPD) suggests that advertisements should avoid the creation of clutter of signs on land or buildings. Planning Guidance Note No. 11 (PG11) also advises against the clutter of advertisements. Policy D12 of the Dudley Borough Development Strategy (March 2017) (DS) seeks to avoid the cumulative impact of advertisements which may result in over proliferation. For the reasons above, the advertisement would fail to adhere to the guidance provided in the SPD and PG11, and the aims of Policy D12 of the DS.
8. For these reasons, the proposed advertisement would harm the visual amenity of the area. Although not decisive, there would be conflict with Policy D12 of the DS. It would also fail to adhere to the National Planning Policy Framework which seeks to protect amenity.

Conclusion and Recommendation

9. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

10. 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