



Appeal Decision

Site visit made on 1 March 2022 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2022

Appeal Ref: APP/P4605/Z/21/3286094

325 Aston Lane, Aston, Birmingham, West Midlands B6 6QR

- 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 Replyshort Limited against the decision of Birmingham City Council.
 - The application Ref 2021/07139/PA, dated 11 August 2021, was refused by notice dated 8 October 2021.
 - The advertisement proposed is 1 x 6m x 3m display of matrix digital screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 x 6m x 3m display of matrix digital screen as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) A scheme for the control of the intensity of the illumination of the digital advertisements, to include a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly, shall be submitted to, and agreed in writing by the Local Planning Authority prior to the display of the advertisement hereby approved. The advertisement shall be displayed in accordance with the agreed scheme thereafter.
 - 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candelas.
 - 3) The minimum length of time for each display shall be 10 seconds and the time interval between successive displays shall be no greater than 0.1 seconds with no fading, swiping or other animated transition methods between successive displays.
 - 4) The digital advertisements hereby approved shall not display animated, scrolling, intermittent or flashing images or video at any time.

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 Development Management in Birmingham Development Plan Document (DMB) was adopted (2021) after the appeal was submitted. Both parties have

been given the opportunity to submit comments on the change in the development plan. The policies referred to in the decision notice from the Birmingham Unitary Development Plan (adopted 1993) have been superseded by the those in the DMB.

Main Issue

4. The advertisement would be located on the flank wall above ground level and because of this it would not hinder pedestrian movement within the area and would not block or hinder views of traffic signals or street signage. Additionally, it would not produce any noise and as a result the advertisement would not harm public safety or aural amenity, subject to the implementation of necessary conditions.
5. Therefore, the main issue in this case is the effect of the proposed advertisement upon the visual amenity of the surrounding area, having particular regard to a non-designated heritage asset (NDHA).

Reasons for the Recommendation

6. The area is characterised by two-storey buildings with commercial operations at ground floor. Fascia advertisements, some of which are illuminated, are prominent along this section of the road. Beyond this section of the road, larger standalone advertisements are more common and the area has a commercial appearance. Therefore, advertisements are a common feature of the area.
7. Adjacent to No 325 is the Witton Arms public house, which the Council has identified as an NDHA. The public house is a wide building with a hipped roof. It is constructed from red brick with slate roof tiles and has detailed architectural features that contribute to create an attractive building. The heritage significance of the building comes from its architectural appearance and function. It is surrounded by commercial uses and the associated advertisements as well as the advertisements for Villa Park which adorn each lamp post. As such, advertisements are a feature of the building's setting.
8. The proposed advertisement would be located on the third storey of the host property and would be visible when approaching along Witton Road. Although a relatively large display, it would occupy a relatively small proportion of the flank wall and would not appear out of proportion to the host building. Nor, in this commercial context, would it add an alien feature to the area or appear overly dominant.
9. It would not hinder views of the NDHA or obscure any features that contribute to the heritage significance of the building. Furthermore, whilst there are a number of advertisements near to the site, the proposal would be the only advertisement located on the flank wall of the building and as such would not significantly affect its already commercial setting.
10. Therefore, the proposal would not harm the significance of the NDHA or the visual amenity of the area.
11. I have taken into account Policy DM7 of the DMB and Policy PG3 of the Birmingham Development Plan (adopted 2017). These policies state that advertisements should be suitably located and designed to have no detrimental impact on public safety or amenity and that development should be designed to respond to site conditions and the local area context. Given I have concluded

that the proposal would not harm amenity, the proposal does not conflict with these policies.

Conditions

12. Under Regulation 14(a) all advertisements which are granted express consent are subject to the five standard conditions set out in Schedule 2 of the Regulations.
13. Further to the standard conditions, conditions controlling the level and type of illumination and the timing of each display as well as ensuring the advertisements are not animated are necessary in the interest of public safety. Given the location of the proposal next to a busy road and roundabout where manoeuvres would be undertaken it would be necessary for the illumination to be static in the interest of public safety.
14. A condition requiring the proposal be carried out in accordance with the submitted plans would not be necessary as express consent is granted only for the advertisement as applied for. Such a condition would be used to facilitate applications for minor material amendments to planning permission and so is not relevant here.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to the five standard conditions and the additional conditions set out above.

L McKay

INSPECTOR