
Appeal Decision

Site visit made on 29 March 2022 by A Coombes

Decision by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/P4605/Z/22/3291780

Poster Advertising Site, Land adjacent to 248 Hawthorn Road, Oscott, Birmingham B44 8PP

- 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 2021/09009/PA, dated 13 October 2021, was refused by notice dated 27 January 2022.
 - 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 replacing the existing 2 x 48 sheet poster panels.
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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. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a single digital poster panel. The Council dealt with the proposal on this basis and so shall I.

Main Issue

4. The Council have not refused the application in respect of public safety and therefore the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendation

5. The appeal site is located at the junction of the highly trafficked Hawthorn Road and Kingstanding Road, and these roads are busy roads, including for pedestrians. There is soft landscaping within the appeal site and black palisade fencing on two sides of the site boundary. The surrounding area is mixed use, with predominantly commercial properties at ground floor level, some of which have residential properties above. There are many examples of shopfront advertisements within the locality.

6. The advertisement would be alongside the site boundary and raised above the palisade fencing, occupying a similar position as one of the previous panels that have recently been removed from the site. Although the advertisement would be of a similar size and height as that removed, the internal illumination of the proposed digital panel would not integrate well with its surroundings. The advertisement would stand apart from any nearby buildings, thereby exaggerating its prominence. The combination of the size, digital display, and position of the advertisement would make it highly visible within the area, and this would be exacerbated due to it being on a prominent corner. There are other advertisements in the locality, but these relate mostly to the associated commercial premises and are typically in scale with the building to which it relates. For these reasons, the proposed advertisement would be an obtrusive and incongruous addition and therefore would be harmful to the visual amenity of the area.
7. Whilst some nearby advertisements are illuminated, the large size, freestanding nature, and internal illumination of the advertisement would be a discordant addition within its surroundings. Images could be controlled by condition to remain static, with specified changeover timings, and luminance to conform to professional guidelines. It is noted that for a number of years there were two paper-glued poster advertising panels on the site and that the proposal has reduced the number of panels to one. Nevertheless, a digital display is intrinsically different in appearance to a paper advertisement, as it would have a consistent, crisp, brightness. A digital advertisement would utilise modern technology, but it would appear much more obtrusive within the street scene, particularly so when dark. Even if similar advertisements exist in other urban locations, given the prominence of this particular panel it would be unacceptably intrusive within the surrounding locality. Furthermore, it would be particularly conspicuous as large, internally illuminated freestanding advertisements are not commonplace within the area.
8. The appellant has referred to the advertisement having economic and local business benefits. However, possible economic benefits would not outweigh the substantial harm that has been identified to the amenity of the area through the introduction of a digital advertisement.
9. For the reasons given above, the advertisement would cause unacceptable harm to the visual amenity of the area. Though not decisive in advertisement cases, regard has been given to Policy PG3 of the Birmingham Development Plan, adopted 2017, and Policy DM7 of the Development Management in Birmingham Development Plan Document, adopted 2021. The advertisement would fail to accord with these policies, as they seek, amongst other things, that advertisements are of a high standard and have no detrimental impact on public amenity, as well as contributing to and responding to a positive sense of place and local distinctiveness, thereby reflecting objectives of the National Planning Policy Framework.

Other Matters

10. Finally, the appellant's concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on the consideration of the planning merits of the case.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

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.

J J Evans

INSPECTOR