The Planning Inspectorate

Appeal Decision

Site visit made on 24 May 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH June 2022

Appeal Ref: APP/P4605/Z/22/3295408
Birmingham City Hospital, c/o Dudley Road (A457) and Western Road, Birmingham, B18 7QH

- 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 Sandwell and West Birmingham NHS Trust & Elonex against the decision of Birmingham City Council.
- The application Ref 2022/00347/PA, dated 17 January 2022, was refused by notice dated 16 March 2022.
- The advertisement proposed is the display of two digital poster panels.

Decision

1. The appeal is allowed and consent for the display of two digital poster panels as applied for is granted. 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) The signs shall display static images only and no individual advertisement display shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols, or any images that resemble road signs or traffic signals.

   2) The minimum display time for any advertisement shall be 10 seconds.

   3) The interval between advertisements shall take place over a period no greater than one second and the complete screen shall change with no visual effects (including swiping, scrolling or other animated transition methods) between displays.

   4) The display signs shall contain a feature that will turn the screen off and display a blank screen in the event of a malfunction in the system.

   5) The intensity of the illumination of the signs permitted by this consent shall be no greater than 300 candelas per square metre between dusk and dawn and shall comply with the latest recommendations of the Institute of Lighting Engineers (for a sign within Zone 3) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide), and the signs shall be fitted with a light sensor to adjust the brightness to ambient light levels.

Preliminary Matter

2. The Council has referenced policies that it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination of the appeal.

Main Issue

3. The Council has raised no concern regarding the effect of the proposal on public safety. I have no reason to disagree. The main issue therefore is the effect of the proposal on the visual amenity of the area.

Reasons

4. The appeal relates to land within the grounds of Birmingham City Hospital which comprises a large and extensive complex of buildings, road networks, and car parks. The proposal envisages the installation of two digital advertising screen signs each measuring 3m high by 6m wide and mounted above a 2.7m high, freestanding steel structure located on the corner of the hospital's frontage near the junction of Dudley Road with Western Road.

5. Whilst two display panels are proposed, they would be positioned back-to-back and would be part of a single structure. Although the position of the display would be on an area of open grass within the curtilage of the hospital, the space does not provide any direct access for any recreational purposes and views across it are dominated by the surroundings comprising a busy and active frontage with buildings in the background that are large scale and mostly of business/industrial use.

6. The immediately adjoining hospital building at this point is a large, modern building with prominent and large signage to its glazed façade at an elevated level. The proposed digital display would be undeniably large and prominent. But it would not be out of scale or context with its surroundings. Neither would it be so close to the pavements along Dudley Road and Western Road to appear overbearing to passers-by. The structure would occupy space that would retain its function as an area of lawn and, rather than appearing incongruous or discordant, in my assessment the advertisement displays would be seen as appropriate and contemporary additions to an already vibrant location.

7. Paragraph 136 of the National Planning Policy Framework 2021 advises that the visual quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along Dudley Road, Western Road, and from within the hospital grounds, I am satisfied that the proposed displays would not appear as poorly sited or poorly designed within the street scene. Accordingly, I find that there would be no harm to the visual amenity of the area. There would therefore be no conflict with Policy PG3 of the Birmingham Development Plan 2017, or with Policies DM2 and DM7 of the Development Management in Birmingham Development Plan Document 2021 which require development, and specifically advertisements, to be suitably located and sympathetic to the character and appearance of the area.

Conditions

8. Advertisement consent is given subject to the five standard conditions set out in the Regulations and it is not necessary for me to list them in my formal decision. I have considered the list of conditions put forward by the appellants and in the interests of clarity and precision, I have made some minor revisions. Conditions concerning the intensity of the illumination and the control of use of the displays are necessary in the interests of amenity and public safety.

Conclusion

9. For the reasons given, I conclude that, subject to conditions, the display of the advertisements would not be harmful to amenity. The appeal is therefore allowed.

John D Allan

INSPECTOR