



Appeal Decision

Site visit made on 01 June 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2022

Appeal Ref: APP/G4620/Z/22/3296999

Land at Rolfe Street, Smethwick B66 2BD

- 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 Wildstone Group Limited against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/22/6752A, dated 12 January 2022, was refused by notice dated 21 March 2022.
 - The advertisement proposed is 'Proposed upgrade of existing 48 sheet advertisement to support digital poster screen'.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 'proposed upgrade of existing 48 sheet advertisement to support digital poster 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 set out in the Schedule below.

Preliminary Matters

2. The appeal site address was described as 'Rolfe Street, Smethwick B66 2BD' in the application form. The subsequent decision notice describes the site address with the addition of the words 'land at'. I consider that the amended site address better reflects the fact that the appeal site is a discrete parcel of land within Rolfe Street, and I have thus referred to the amended address for the purposes of this appeal.

Main Issue

3. The main issue for the appeal is the effect of the proposal on the amenity of the area; particularly whether the proposal would preserve or enhance the significance of the Smethwick Summit Galton Valley Conservation Area (CA).

Reasons

4. The appeal site is an area of land adjacent to the B4135 Rolfe Street. Rolfe Street is at the south-western edge of the CA. The CA covers an extensive tract of land along the canal side, parallel with the A457. The designated area of the CA reflects the historic social, cultural and economic function of the area's canals as vibrant logistical, freight and industrial hubs.

5. Rolfe Street is a busy road which leads through the centre of a frenetic industrial estate. The industrial estate comprises a mix of modern warehouse industrial buildings, alongside both modern and historic brick industrial buildings. The street scene is thus predominantly characterised by its utilitarian function. Many of the larger warehouse buildings are setback from the road behind functional yards, and characteristic features of the street scene include metal palisade fences, metal shutter doors abutting the street, industrial yards and vehicular entrances.
6. Whilst there are some older buildings which appear to originate from a range of eras, none of the buildings in the immediate vicinity of the site are listed or of notable historic value. Indeed, most are in a poor state of repair and thus from an aesthetic point of view they do not make a positive contribution to the character of the area nor the significance of the CA, despite their industrial function and potential association with the canal. The spatial arrangement of the street provides a clearer association with the canal, however, the interspersal of older buildings with dominant, poor quality, utilitarian buildings in Rolfe Street does little to reveal the historic evolution and function of the area. Advertisement hoardings which are both freestanding and mounted on buildings are a prevalent feature of the area. As such, the Rolfe Street area of the CA provides very few elements which contribute to the CA positively in its current state.
7. An existing double poster hoarding is in situ on the appeal site. The appeal scheme proposes to replace this with a single electronic display hoarding. Whilst the electronic display would be a change in display format, all advertisements are intended to attract attention and therefore, it is unlikely to have a greater degree of prominence. In any case, the appeal scheme hoarding would be smaller than the existing advertisement on the site and would be better proportioned to its surroundings. Advertisement hoardings are an established feature of the character of Rolfe Street, albeit not electronic, and as such, the appeal scheme would not appear incongruous in the context. As an electronic hoarding within a frenetic industrial area in a main city, it would not dominate the adjacent larger scale buildings and would not adversely affect the visual amenity of the site or surroundings.
8. In any case, the immediate surroundings of the appeal site do not offer positive elements which contribute to the significance of the CA. Therefore, the appeal scheme would not erode or detract from any such elements. I attach great weight to the conservation of the CA, and in this context, I find that the appeal scheme would preserve the character and significance of the CA and would not have an adverse effect on the amenity of the area.
9. For these reasons, the appeal scheme would comply with Policy HE2 of the Site Allocations and Delivery Development Plan Document (SAD DPD), adopted in 2012, as well as the Framework.

Conditions

10. The Council has requested a total of three planning conditions in addition to the four standard conditions which relate to all advertisements. The proposed conditions would limit the frequency and movement of the images on the digital screen, as well as its luminance. The Appellant has suggested that the luminance of the screen could be limited to 300 candela at night, to prevent glare. However, it is necessary to consider the safety of road users at all times

of day, including during inclement weather conditions. Given the nature of illumination and its proximity from the road, I consider it necessary and reasonable to impose conditions restricting the frequency with which the display changes and the level of its luminance. I have also included a condition which requires the scheme is implemented in accordance with the approved plans and one which would prevent the appeal scheme hoarding being displayed alongside the existing hoarding.

Conclusion

11. For the reasons outlined above, I find that the appeal scheme would not have an adverse effect on the amenity of the area, or the significance of the CA, and it accords with the relevant policies of the development plan. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions

1. The advertisement hereby permitted shall be displayed in accordance with the following approved plans: Site Location Plan PA 01, Proposed Site Plan PA 03, Existing and Proposed Elevations PA 04.
2. Notwithstanding condition 1 above, the sign permitted by this consent shall not be displayed at the same time as the existing sign, depicted on the Existing Site Plan PA 02.
3. The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candela.
4. The digital advertisements displayed on the sign permitted by this consent shall remain static for no less than 10 seconds at a time and the sign shall not display any animated, moving or evolving graphics.