
Appeal Decision

Site visit made on 8 August 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/P4605/Z/22/3301600

Land on the north east side of High Street, Deritend, Birmingham B12 0LD

- 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 Mercia Outdoor Advertising Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/01354/PA, dated 25 January 2022, was refused by notice dated 26 April 2022.
 - The advertisement proposed is the display of 1 no. internally illuminated digital LED advertising panel.
-

Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. internally illuminated digital LED advertising panel on Land on the north east side of High Street, Deritend, Birmingham B12 0LD, in accordance with the terms of the application, Ref 2022/01354/PA, dated 25 January 2022, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - a) The interval between successive displays to be instantaneous (0.1 seconds).
 - b) No special visual effects of any kind to be permitted to accompany the transition between any two successive displays. There shall not be fading, swiping or other animated transition methods.
 - c) No animation, movement or special visual effects of any kind shall be permitted during any display.
 - d) No display shall include animated, flashing, scrolling, intermittent or video elements.
 - e) Each display shall last a minimum of ten seconds.
 - f) There shall not be any changing light patterns.
 - g) Each display shall be limited to two dimensions only.
 - h) There shall be no message sequencing.
 - i) No display shall emit noise, sound, smoke, smell or odours.
 - j) The installation shall include a default mechanism that will freeze the display if a malfunction occurs.
 - k) The installation shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 - l) The installation shall be equipped with a dimmer control and photo cell which shall constantly monitor ambient light conditions and adjust the display brightness accordingly.
 - m) The brightness of the display shall not exceed 300cd/m² at any time.

Main Issue

2. The main issue is the effect of the proposal on the visual amenity of the area, including the effect on the character and appearance of the Digbeth, Deritend and Bordesley High Streets Conservation Area (the High Streets CA) and the significance of nearby listed buildings.

Reasons

3. The proposal is for a large digital advertisement panel, 12 m wide and 3 m high, set 2.5 m above ground level, mounted against the south-east facing flank wall of No 175, a vacant fire damaged property on the north-eastern side of Deritend High Street. The panel would face across a surface car park towards traffic heading north-west along the busy dual carriageway.
4. No 175 forms one end of a terrace of three storey buildings with commercial uses on the ground floor - this continues with four storey buildings from No 164 on the other side of the surface car park. The rear of the parking area is bounded by the Grade II listed former chapel to St Edmunds Boys Home and the locally listed Bordesley railway viaduct¹. On the opposite side of the High Street lie various commercial buildings and vacant land.
5. The inner city, commercial character of the High Street area includes numerous advertisements for individual premises, an internally illuminated display facing eastbound traffic on the other side of the road and two paper and paste displays just to the west near The Old Crown. The flank wall the subject of this appeal itself included a traditional poster display until about April 2014. The four-storey gable end of No 164 opposite includes a large unilluminated painted display. The immediate vicinity of the site is also covered in extensive graffiti and tagging including the flank wall itself, the boundary walls facing the car park, the boarded up listed former chapel and the railway viaduct.
6. The installation of the large digital display panel would therefore be consistent with the existing character of the area and not adversely affect its amenity. It would be a suitable size in relation to the flank wall and the burnt out building as a whole and the appellant states it would be removed once that building is refurbished or redeveloped. The proposal would in fact improve the amenity of the area by partly screening the fire damaged building, introducing much needed investment, improving the appearance of the site, lead to increased maintenance and distract attention from current signs of dereliction. For the same reasons the proposal would enhance the setting and therefore conserve the significance of the Grade II listed former chapel and locally listed buildings, also enhancing the character and appearance of the High Streets CA.

Conclusion

7. For these reasons the proposal would not harm the visual amenity of the area, the relevant test under the advertisement regulations. It would also enhance the setting of nearby statutory and locally listed buildings and the character and appearance of the High Streets CA. It would therefore comply with Policies PG3 and TP12 of the Birmingham Development Plan 2017 and Policy DM7 of the Development Management in Birmingham DPD 2021. These require new development to respond to site conditions, to conserve the city's heritage assets and for advertisements to be suitably located, sited and designed. It

¹ No 164 is also locally listed

would also comply with Paragraph 136 of the National Planning Policy Framework which only opposes poorly sited advertisements.

8. Whilst the Council's questionnaire does not propose any conditions other than the five standard conditions set out in the Regulations, the Transportation Department have put forward a detailed multi-part condition to ensure the display does not distract nearby road users and hence adversely affect public safety. Given the clear visibility of the display to a heavily trafficked road the condition concerned meets the necessary six tests.
9. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR