



Appeal Decision

Site visit made on 6 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022

Appeal Ref: APP/D4605/Z/22/3301329

Brewer and Baker, Camp Hill, Birmingham B12 0JP

- The appeal was 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 was made by Wildstone Estates Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/00966/PA dated 20 January 2022 was refused by notice dated 25 April 2022.
 - The application is for display of one internally illuminated digital poster panel.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the visual amenity of the area through its impact upon the setting of nearby Listed Buildings.

Reasons

3. The appeal proposal is to erect an advertising hoarding to the principal elevation of the former Brewer and Baker Public House. The public house is currently in a poor state of repair and has obviously seen some neglect in past years. This neglect has resulted in the pub being damaged and falling into a state of disrepair.
4. The pub is located alongside a roundabout serving both Camp Hill and Broadway Middleway and appears as something of a focal point within this setting of highways and ring roads that skirt this part of the city centre of Birmingham. Added to this focal point I consider that there are still the remains of an older context to which the pub presumably once related. This includes the remaining historic fabric as characterised by the Grade II Listed Lench's Trust Almshouses and Lodge and the Grade II* Listed Bordesley Centre.
5. I consider therefore that not only was there an historic relationship between this public house and the surviving heritage assets in the form of the Listed Buildings, but also that the pub itself represents a demonstrable link to this historic context that presumably was more closely connected prior to the building or widening of the surrounding highways. As such I consider that the

site and the existing former public house is strongly related to this historic context and should be considered to be within the setting of these assets.

6. In assessing this appeal I am required by Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework (NPPF) also states that when considering the impact of proposed development on the significance of the heritage asset, 'great weight' should be given to the asset's conservation. In terms of the Grade II* Listed Bordesley Centre such a high grade heritage asset should attract greater weight accordingly.
7. Policy DM7 of the Development Management in Birmingham DPD 2021 (DMB DPD) also states that advertisements should be suitably located, sited and designed to have no detrimental impact upon the amenity or character or appearance of their location, to reduce clutter, to avoid obscuring architectural features, and avoid affecting heritage assets.
8. The two Listed Buildings outlined above appear to be important remnants of Birmingham's historic built environment and reflect not only the physical character and fabric of the city through their architectural forms and design, but also the importance of its social institutions that contributed to the city's historic development. For instance, the Grade II* Bordesley Centre not only represents an attractive Victorian Neo Gothic School building but also represents the social needs of the time to provide grammar school education within the city. Similarly, the Lench's Trust Almshouses are of a fine Neo Jacobean quality and represent something of the philanthropy of the city in providing older persons accommodation at this time.
9. Historic England guidance¹ illustrates that the setting of a Listed Building consists of more than that which can be experienced through visual associations or links. In this case, although both of the Listed Buildings are visible from the appeal site, it is correct to say that they are somewhat physically removed. Moreover, the elevation of the Lench's Trust Almshouses does present something of a blank façade when seen from the site. Nevertheless, the former public house does relate to this historic context and helps link the setting of the Listed Buildings within the context within which they once stood.
10. As a result, I consider that the public house is within the setting of the Listed Buildings and does contribute in a positive manner, even in its current state, to this setting and the understanding of this historic context.
11. The proposal before me intends to erect a large digital advertising hoarding that would be sited directly in front of this former pub. The advert would presumably be placed to catch the attention of passing drivers and would largely hide the public house from view. The signage would be illuminated with LED illumination and would alternate its display at regular intervals.
12. The introduction of this signage however would not only obscure the former pub but it would also introduce a large scale intervention into the setting of the

¹ Historic England Guidance 'The Setting of Heritage Assets' 2017.

Listed Buildings. As a result the setting of these buildings and the remnants of their historic context, of which the former pub is an important element, would be eroded through the introduction of what is a largely alien feature within this setting. As a result a level of harm would be sustained by the historic environment that has not been demonstrably outweighed by the public benefits of the proposal.

13. In light of this the proposed signage would have an adverse impact upon the visual amenity and character of the area through its adverse impact upon the setting of high grade heritage assets. It would also obscure the former public house that forms a modest contribution to this setting. As such I consider that the proposal would fail to respond to Policy DM7 of the DMB DPD and it would harm the setting of the Listed Buildings and thereby undermine an element of their respective significance. In light of the absence of public benefits to outweigh such harm, as required by The Framework, I conclude that the appeal must fail.

Conclusion

14. For the reasons above, taking into account the particular criteria of this proposal, I dismiss the appeal.

A Graham

INSPECTOR