



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/22/3300625

Star Cars & Coaches Ltd, 718 Chester Road, Erdington, Birmingham B23 5TE

- 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 Alight Media Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/02632/PA dated 24 March 2022 was refused by notice dated 4 May 2022.
 - The application is for display of 1no. internally illuminated freestanding digital LED 48 sheet advertising panel mounted on two legged support structure.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the impact of the proposal upon the safe and efficient use of the highway.

Reasons

3. The appeal site is located upon a busy cross roads junction of Sutton Road and Chester Road. The site itself is currently undeveloped land adjacent to a parade of shops. To the rear of the site large, mature trees form an attractive backdrop to the site and, in summer at least, tend to dominate and contribute positively to the skyline in this area.
4. The proposal intends to install a 48 sheet LED illuminated advertising hoarding near to the rear boundary of this site so that it could be viewed from passers-by using the junction. Most likely those travelling south along Sutton Road would be the ones to notice the advertisement most. From this direction, north of the cross roads, heading southbound, the road is a dual carriageway with a small central reservation between lanes. At the junction itself the southbound road divides into three lanes, two directing forwards and one for traffic turning right towards Brownhills.
5. I saw on my site visit that there are two directional sign posts positioned upon the pavement at the corner of Sutton Road and Chester Road signalling the direction along the A452 to Brownhills in one direction, and to Erdington,

Graveley Hill and Aston in the other. Behind this, the site appeared to be used for car parking. On approach to this junction I also saw a supplementary sign on the left hand side of the highway echoing the above directions and preparing drivers for the correct lane.

6. In assessing this appeal I notice the Appellant's Appendix G that they state shows no impact of the proposed advertisement upon the highway directional signage. However, I also notice that this image is taken from the northbound lane and not from the side of the road where vehicles would be approaching this site from. As a result I can give Appendix G only very limited weight in this matter as it fails to represent the view of drivers who would be potentially affected.
7. In my own assessment I saw that from the southbound lanes, and from the central reservation, that there would be the strong possibility that the directional signage would be set against the illuminated sign and, as a result, may be difficult to see, especially at night. The effect of this signage could also be exacerbated by the levels of illumination, however I consider that such levels of illumination could be controlled by suitable condition as indicated in the Appellant's statement.
8. Despite this however, I consider that there would be the strong possibility that this directional signage would be obscured through the visual clutter of having illuminated signage directly behind that was intentionally vying for the attention of the driver. Moreover, although I consider the directional signage on this site to be supplemental to another sign on the approach to this junction, I consider that there could be confusion for drivers who either fail to see the signs on approach or who fail to see the supplemental signs whilst at the junction. I consider therefore that would be a risk to highway safety through this proposal even for those drivers paying due care and attention.
9. As such I consider that the proposal before me would have the potential to confuse drivers and thereby result in an adverse effect upon the safe and efficient use of the highway which would be inconsistent with both guidance contained within the Planning Practice Guidance as well as Policy TP44 of the Birmingham Development Plan 2017 and Policies DM7 and DM14 of the Development Management in Birmingham Development Plan Document 2021.

Other Matters

10. Although the Appellant's have brought to my attention other such display boards in similar locations I have no evidence before me to enable a direct comparison between these schemes and as such I can only give these other examples limited weight also.
11. Similarly, although I note the issues around potential land ownership, I consider that this is not a matter for me to determine and as such I am unable to offer an opinion here.

Conclusion

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

A Graham

INSPECTOR