



Appeal Decision

Site visit made on 20 September 2022 by Darren Ellis MPlan

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2022

Appeal Ref: APP/P4605/Z/22/3301522

1 Birmingham Road, Sutton Trinity, Sutton Coldfield, Birmingham B72 1QA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Paul Hardy on behalf of V2 LED Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/02293/PA, dated 15 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is described as 'A single, wall-mounted 2m x 3m LED display panel'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter and Main Issue

3. Whilst the Council has referred to relevant development plan policies in its decision notice, Paragraph 136 of the National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have taken account of the development plan policies where relevant to the main issue in this case, but they have not been determinative in my assessment of the appeal.
4. In this case, the Council raised no issue in terms of public safety and the reason for refusal was focused on amenity. From the evidence before me I agree with the Council's assessment in relation to public safety and therefore the main issue in this case is the effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

5. The appeal site is situated at the junction of Birmingham Road and Holland Street. The surrounding area is commercial in nature. Two existing 4-sheet non-illuminated advertising hoardings are sited at the ground-floor level on the
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side elevation of No 1 Birmingham Road, facing south-west, and the proposal would replace these with a larger internally illuminated digital display situated at the first-floor level of the building. The proposed advertisement would show static images that would change at intervals of 10 seconds. Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed.

7. The busy character of Birmingham Road and the number of fascia signs, projecting signs and advertisements in the vicinity contributes to the varied and vibrant appearance of the area. However, the advertisements in the immediate area are predominantly of a small scale and are situated at either the ground-floor or fascia level. The existing advertisements appear to have been in place for some time and due to their small scale and understated appearance, they make a neutral contribution to the character and appearance of the surrounding area.
8. In terms of appearance, the design of the proposed unit would be modern and not in itself unattractive. The proposed unit would be slightly larger than the existing sign and would be at a more elevated position, which would increase the prominence of the display. The images shown on the proposed digital display would be brighter and sharper than the existing display, and they would change at regular intervals. It is proposed that the illuminance of the display would not exceed 300 Cdm² during darkness, and this level of illumination could be secured by an appropriate condition. The level of luminance during daylight hours would be sensitive to changes in daylight levels, so that the display images would not appear unduly bright or brash.
9. There are several existing digital displays in the vicinity of the appeal site although these are on street furniture at the pavement level, including at the bus shelter near No 11 Birmingham Road¹ and on the pavement outside Nos 21-23 Birmingham Road². However, the proposed advertisement would be set on the gable end of the building and significantly higher than the existing advertising in the immediate area. The digital illumination would exacerbate the unsympathetic height of the advert. Consequently, the proposed display would appear as a discordant feature within the context of the existing advertising and would be a garish addition to the street scene. As a result, the proposed digital unit would cause harm to the visual amenity of the area.
10. The appellant has suggested that the proposal would result in a number of benefits, including a reduction in waste, avoiding the need for service personnel to travel to the site, and economic benefits. However, the Planning Practice Guidance states that the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.
11. My attention has been drawn to examples where digital advertisements have been approved in other areas. As these are located in other towns and cities, I cannot be certain that the site-specific context of each example is directly comparable to the proposal before me.

¹ Planning application ref. 2017/04744/PA

² Planning application ref. 2021/04587/PA

12. Nevertheless, the advertisement at No 15 Station Road, Solihull³, is a digital screen situated in an elevated position on a side gable similar to the appeal property, although the digital screen is considerably larger than the proposal before me. However, the screen is higher than the fascia signs and other advertisements in its immediate vicinity which emphasises the imposing appearance of the advertising unit and the brightness of the digital illumination. As such, the advertisement at No 15 Station Road, Solihull, does not justify the appeal proposal before me.
13. Furthermore, I note that the advertisement that was allowed on appeal in Warrington⁴ involved the replacement of a larger advertisement with a smaller one, which was considered by the Inspector to relate better to the host building and enhance the appearance of the gable end. This is not the case in the proposal before me, for the reasons outlined above.
14. The Council has drawn my attention to Policy PG3 of the Birmingham Development Plan (January 2017), which requires new development to respond to site conditions and the local area context, and Policy DM7 of the Development Management in Birmingham Development Plan Document (December 2021), which requires advertisements to have no detrimental impact on amenity, to be sympathetic to the character and appearance of their location, and to avoid a proliferation of signage in the public realm. As I have concluded that the proposed advertisement would harm amenity, it therefore would not accord with these policies.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed digital advertisement would cause harm to the visual amenity of the area. I therefore recommend that the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Sarah Housden

INSPECTOR

³ Planning application ref. PL/2021/01810/ADV

⁴ Appeal ref. APP/M0655/Z/20/3251305