



Appeal Decision

Site visit made on 29 November 2022

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/P4605/Z/22/3305784

267 Kings Road, Kingstanding, Birmingham B44 0RZ

- 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 Estates Limited against the decision of Birmingham City Council.
 - The application Ref 2022/03948/PA, dated 9 May 2022, was refused by notice dated 8 July 2022.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal the on amenity of the area.

Reasons

3. The appeal site is located adjacent to Kings Road close to the junction with Finchley Road and Hartley Road. The advert is located within a small cluster of commercial businesses and is backed by an area of open space. There is an existing advertisement in situ, which the appeal proposal is seeking to replace and there are also a selection of fascia advertisements on the commercial businesses nearby.
4. Despite these businesses, the area nearby the appeal site is predominantly residential with a linear, uniform style of houses that extends along Kings Road, Finchley Road and Hartley Road. Kings Road itself is wide and open which along with the mature trees that line the road give the area an open, leafy character.
5. The application form states that the advertisement will be 3 metres high and 6 metres wide with internal illumination. The advertisement itself will be the same size as the existing advertisement however there will be an increase in the overall height of the supporting structure by 0.5 metres. It will also be constructed from high quality and hard-wearing materials. Static advertisements are proposed on an LED screen with the potential for different advertisements to be displayed every 10 seconds.
6. Whilst I note the presence of an existing advertisement, the appeal proposal will result in a fundamental change due to the increase in its height above ground and illumination. As a result, the proposed advertisement would be more visible on approach from Kings Road as well as from Hartley Road. It

would stand out and be overly dominant when compared to the smaller fascia signs on the commercial businesses nearby.

7. The advertisement would therefore be incongruous when seen against the backdrop of the adjacent open space, particularly due to the illuminated, frequently changing images displayed, and would be at odds with the open, leafy residential character of the surrounding area. It would also contrast with the other signs nearby. As such, the appeal proposal would appear as a prominent, inharmonious and visually intrusive feature in the street scene which would have a harmful effect on amenity.
8. I note that the appellant has proposed a condition to ensure the maximum luminance does not exceed 100cd/sqm at night-time, however this would not sufficiently outweigh the harm to the amenity I have identified above.
9. Overall, for the reasons set out above, I conclude that the appeal proposal would have a harmful effect on amenity. I have taken into account Policy PG3 of the BDP¹ and Policies DM2 and DM7 of the DMB² which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

10. My attention has been drawn to an advertisement that has been permitted by the Council elsewhere. However, from the details before me, it appears to me that the advertisement is located some distance away from the appeal site and the merits and context of that is different to those of the appeal proposal.
11. I have had regard to the environmental, social and economic benefits of the appeal proposal which includes: the use of sustainable energy, opportunities to advertise charitable campaigns, public art, emergency messages, increases in business rates and reduction in visual clutter. However, these are minor benefits and do not outweigh the harm I have identified.

Conclusion

12. For the reasons set out above, and having had regard to all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR

¹ Birmingham Plan 2031 Birmingham Development Plan Part of Birmingham's Local Plan Planning for sustainable growth Adopted January 2017

² Birmingham Plan 2031 Development Management in Birmingham Development Plan Document Adopted December 2021