



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/22/3306182

Land to the east of Sutton Road, Erdington, Birmingham, B23 6RH

- 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 Lidl Great Britain Limited against the decision of Birmingham City Council.
 - The application Ref 2022/04488/PA, dated 1 June 2022, was refused by notice dated 16 August 2022.
 - The advertisement proposed is 1 no. totem flagpole
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued a split decision which refused advertisement consent for the internally illuminated totem sign, identified as S2 on drawing no. PL-13, but grants consent for all the other advertisements.
3. The Council's decision notice does not contain a description of the advert refused consent; however, it is clear from the reason for refusal that consent was refused for the totem flagpole and I have considered the appeal on that basis.

Main Issue

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

Reasons

5. The appeal site is located adjacent to Sutton Road and it was noted during my site visit that construction works were on-going in relation to the new supermarket. The appeal site is located close to a cluster of small commercial businesses and further along the road is mostly residential development.
6. Immediately opposite the site is a collection of listed buildings; Erdington Abbey, Church of St Thomas and St Edmund and Abbey Hall. There are also patches of green space, mature trees and hedges between the listed buildings and residential houses. The combination of this results in a historic and open street scene.
7. The application form states that the advertisement will be 5.98 metres high and 2.1 metres wide with internal, static illumination. Whilst there are other advertisements in the area, including opposite the site, it was noted on my site

visit that their scale, materials and general appearance differs from the appeal proposal.

8. The other advertisements are not as prominent because of their lower height, smaller scale and general design which are also screened by buildings and trees. The proposed advertisement will be in a prominent position which will be in an open area clearly visible on approach from both directions of Sutton Road. As such, the proposed advertisement will stand out and be much more prominent and intrusive when compared to the other advertisements in the vicinity.
9. The totem sign, particularly due to its height, night-time illumination and close distance to the road would be incongruous when viewed in the context of the adjacent historic and open street scene. As such, the appeal proposal would appear as a prominent and visually intrusive feature in the street scene which would have a harmful effect on amenity.
10. I have taken into account Policy TP12 of the BDP¹ which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this Policy. Although the Council refer to paragraph 202 of the Framework, which requires harm to be weighed against the public benefits of the proposal where a development proposal will lead to less than substantial harm, this is not a test that is applicable under the Regulations².

Other Matters

11. The appellant has made reference to the presence of existing totem advertisements on the appeal site however these are no longer in situ and so I give them little weight.
12. I note the operational requirement of the supermarket to display the advertisement as well as the use of high-quality materials and illumination however these are not matters which overcome the harm to the amenity I have identified.

Conclusion

13. 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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007