



Appeal Decision

Site visit made on 15 January 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/P4605/Z/22/3302050

Advertising Bus Shelter, Islington Row, Outside No. 38, Five Ways, Birmingham, B15 1LA

- 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 Clear Channel UK Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/02010/PA, dated 7 March 2022, was refused by notice dated 3 May 2022.
 - The development proposed is a double-sided advertising display unit containing 2 integrated digital displays at the departure end of the shelter.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Advertisements Regulations require that advertisement decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have referred to some of the policies that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Reasons

3. The main issue in this appeal is, therefore, the effect of the proposed advertisement on amenity. The Advertisements Regulations state that factors relevant to amenity include the general characteristics of the locality. The Framework says that the quality and character of places can suffer when advertisements are poorly sited.
4. The appeal site is located on the edge of the Edgbaston Conservation Area (CA). Its significance derives from the nineteenth century development of the Calthorpe Estate, as one of the earliest examples of planned suburban development in the country. The Framework attaches great weight to the conservation of heritage assets and any harm requires clear and convincing justification.
5. The proposal would be sited on the site of an existing bus shelter that is to be upgraded. It would be located in a mainly commercial area outside a parade of shops on a wide pavement adjacent to Islington Row Middleway which forms

- part of a major transport corridor and comprises a heavily trafficked, six lane carriageway with central reservation urban boulevard and has bus shelters on both sides.
6. The building adjacent to the appeal site is a traditional building of four or five storeys and includes a row of ground floor commercial units. These have been carefully restored with traditional shopfronts and discrete signage. There is traditional style street furniture on the adjoining pavement.
 7. Although there is a large, modern seven storey building with an approved digital kiosk outside on the approach to the appeal site, that is separated from the site by the junction with Frederick Road and does not form part of the immediate context. On passing the junction, there are views into the more residential part of the CA. I have noted the proximity to the busy Five Ways junction and the modern high rise buildings there which together with a modern row of shops opposite have a number of illuminated signs. There are two bus stops on the pavement opposite with approved double-faced digital signs. However, given the width of the road and the physical separation from other digital adverts in the area, the proposal would not be seen within the same context. The character of the immediate locality is therefore very different and makes an important contribution to the character and appearance of the CA.
 8. There is an approved internally illuminated single-sided advert of 2 sq m on the external elevation of the existing bus shelter. This has an illumination level of 284cd/m². The proposed replacement digital panels of 1.5 sq m each would display static advertising images in sequence, changing no more frequently than every 10 seconds, via 'smooth fade', internally illuminated at 280cd/m² in night time conditions. Although this would be slightly less than the level of the existing advert and each side would be slightly smaller, by reason of its double-sided design and digital nature it would be significantly more visually intrusive than the existing advert, despite being physical and visually contained within the bus shelter. It would introduce an unacceptable degree of illumination to the immediate locality in contrast to the low key signage on the adjacent building.
 9. By reason of its siting, double-faced design and digital illumination, the proposed advert would fail to preserve or enhance the significance and character of the Edgbaston CA, contrary to the Council's development plan policies PG3 and TP12 of the Birmingham Development Plan (2017) which seek to ensure that proposals respond to the local context including the historic environment and make a positive contribution to its character. It would also be contrary to the Framework.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the proposal would cause significant harm in terms of amenity and the appeal should be dismissed.

Sarah Colebourne

Inspector