



Appeal Decision

Site visit made on 27 January 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/P4605/Z/22/3305466

55-57 Bristol Road, Birmingham B5 7TU

- 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 against the decision of Birmingham City Council.
 - The application Ref 2022/03630/PA, dated 03 May 2022, was refused by notice dated 28 June 2022.
 - The advertisement proposed is 'Display of 1no. internally illuminated free standing digital advertisement hoarding'.
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Decision

1. The appeal is allowed and express consent is granted for 'Display of 1no. internally illuminated free standing digital advertisement hoarding' as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - (a) The advertisement shall be displayed in accordance with the following approved plans: Location Plan PY427/001, Site Plan PY4274/002, Proposed Elevation Plan PY4274/004, Proposed Specs Plan PY4274/005.
 - (b) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent replacement Guide).
 - (c) The advertisement hereby permitted shall have no moving images, videos, flashing lights or other intermittent lighting. The minimum length of time for each display must be no less than 10 seconds and the time interval between successive displays shall be no greater than 0.1 seconds with no other animated transition methods between successive displays.

Preliminary Matters

2. The type of advertisement proposed was amended from "Installation of freestanding illuminated 48-sheet D-Poster (digital) display. -Illumination to comply with Institute of Lighting Professionals' PLG05 (see planning statement). - Frequency of images to be no greater than once every ten seconds, - No moving images, video or flashing lights to be displayed". I have

utilised the amended description as it is more concise and as elements of the original description are better addressed by way of planning conditions.

Main Issue

3. The main issue for the appeal is the effect of the proposal on the amenity of the area; particularly whether the proposal would preserve or enhance the significance of the Edgbaston Conservation Area (CA).

Reasons

4. The appeal site is the forecourt and car parking area for a small parade of shops fronting the Bristol Road in Birmingham, where it meets the Wellington Road. At this point the Bristol Road goes from dual carriageway to single carriageway. The site is the last property located in one of the northernmost edges of the CA; as such, most of its surroundings are outside of the CA. The surroundings of the site in all directions are densely developed and urban; featuring low and high rise flats, large amounts of street furniture and other built infrastructure associated with the city centre part of the A38 Bristol Road.
5. The appeal scheme seeks to replace an existing non-digital display board with a much larger, elevated digital board. Aside from the CA consideration below, the context of the site is urban and there are other advertisement signs and other very large directional road signs as well as a great amount of street furniture in the surroundings. As such, the advertisement would not appear incongruous in this context and would integrate with the local character.
6. However, the location within the CA and the impact on its setting are important material considerations. The Edgbaston Conservation Character Appraisal 1998 is Supplementary Planning Guidance (the SPG). The SPG describes '*the amenity value of Edgbaston as a green oasis close to the city centre*' and notes it was thus spared the high-density redevelopment which took place in other areas of the city. The SPG states that it is this nature of the CA which contributes to its national significance, due to the part it plays in the historic roots of early suburbia as an '*idealised return to country living*'. In a local context, the SPG states that the significance of the CA arises from its almost exclusively residential character, the open grain of development and the landscapes which result.
7. The SPG recognises that in some areas and edges of the CA the townscape is entirely urban, whereas in the heart of the CA the townscape conforms more closely to the villa estate form. In particular, the SPG notes that roadsides are generally contained by trees, achieving a sense of closure and perspective. The SPG notes that the boundaries of the CA around the highways such as the Bristol Road '*amplifies the spacious exclusivity of the area*', which '*forms a green enclave form the city centre*'.
8. The SPG's description of the CA fits the circumstances of the site well; the site and its immediate surroundings are very urban, whilst the trees which begin to line the road and the narrowing of the road itself towards the CA draws the attention along the road and creates a perspective view. As such, the site is at a transition point in respect of character. The transition is not gradual; it is stark, as described in the SPG. As such, a particularly urban feature such as a large digital advertisement display at the gateway to the CA would not adversely affect the significance of the CA or its setting; indeed, it would

reinforce the strong sense of urban to suburban boundary contrast points for which the CA is recognised.

9. For these reasons, the advertisement would accord with the National Planning Policy Framework (the Framework), policies PG3 and TP12 of the Birmingham Development Plan (adopted 2017), and policy DM7 of the Development Management in Birmingham Development Plan Document (adopted 2021). These policies seek, amongst other things, to protect the amenity of areas and the significance of heritage assets from harmful development and advertisements.

Conditions

10. The Council has requested a total of four conditions to control the frequency of display changes and level of illumination, as well as a time limit for the duration of the express consent. These conditions reflect the original description of the advertisement in the Appellant's application form. I consider these conditions to be necessary and reasonable in order to ensure that the advertisement does not adversely affect highway safety or amenity.

Conclusion

11. For these reasons, the appeal is allowed.

Kim Langford Tejrar

INSPECTOR