



Appeal Decision

Site visit made on 20 February 2023

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/P4605/Z/22/3304782

37 and 39 Stoney Lane, Yardley, Birmingham B25 8RE

- 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 2022/03030/PA, dated 5 April 2022 was refused by notice dated 16 June 2022.
 - The advertisement proposed is a “48-sheet freestanding digital advert”.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site for the proposed freestanding digital advertisement lies immediately adjacent to a short parade of shops with flats above. Owing to the width of the road and the forecourt set back, the area to the front of the shops and adjacent to the site has an open feeling. The area is in mixed use, and I acknowledge that there are other advertisements of various types and sizes nearby.
4. The proposed advertisement would be close to the first-floor forward-facing window of the flat at 37 Stoney Lane, perpendicular to that building and the road, with its upper edge broadly in line with the eaves of that property, above the top of that window. In terms of massing and visual effect from within, this would be akin to a new building closely related to that window. I consider therefore that the proposal would harm the amenity of those occupiers both in terms of their outlook, light reaching them and light-nuisance arising from the illumination of the advertisement. Whilst I note the proposal for illumination limits and controls, as well as for a curfew, I do not consider that these limits or controls would be sufficient to overcome the likely harm to amenity arising from the proximity of the advertisement to that window and the effects of its illumination.
5. As noted, there are other advertisements in the area, and the appeal site lies between a forecourt and a fenced-off substation. Whilst I accept that the point of advertisements is to be visible, I consider that the size of the proposal, relative to the adjacent fencing, buildings and the otherwise relatively open nature of this forecourt area would make it appear unduly large, prominent and, with its illumination, incongruous with the established street-scene. I find this would also be harmful to the amenity of the area.

6. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account policies PG3 and DM7 of the Birmingham Development Plan 2017. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

7. The appellant has suggested that the proposal would have environmental, economic and social benefits. Whilst I acknowledge all of these, given the limited evidence to support them or even to suggest that they are directly connected to the appeal proposal, I give them very little weight and they do not alter my conclusions above.
8. I note the conditions which the appellant has suggested could be imposed in addition to those standard conditions in the Regulations. However, for the reasons set out above, I do not consider that they would overcome the harm to amenity which I have found.

Conclusion

9. For the reasons given above I find that the proposal would be harmful to amenity and therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR