



Appeal Decision

Site visit made on 25 April 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/P4605/Z/22/3312897

387 Coventry Road, Nechells, Birmingham B10 0SW

- 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 Mr Z. Khan against the decision of Birmingham City Council.
 - The application Ref 2022/06468/PA, dated 15 August 2022, was refused by notice dated 11 November 2022.
 - The advertisement proposed is new two LED signs.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In refusing the application, the Council has cited various Development Plan policies. The Regulations and Paragraph 136 of the National Planning Policy Framework (the Framework) are clear that proposed advertisements should only be assessed in the interests of amenity and public safety. In result, the policies cited are not decisive. However, as a material consideration, I have had regard to them.

Main Issue

3. The main issue relevant to this appeal is the effect of the proposed advertisement upon the visual amenity of the surrounding area.

Reasons

4. The appeal site consists of a commercial property located in a predominantly business area. As part of this character, there are several signs within the surrounding area. However, the appeal site is located in a parade of commercial properties, all of which have similar proportions. Although there are some exceptions, advertisements are typically located below first floor windows. A notable feature of the appeal site and the adjoining building is the presence of first-floor windows.
5. The proposal would result in the insertion of new signage that would cover an upper window of the appellant's building. In result, the proposal would result in an adverse effect upon the character of the building given that a notable feature of this building is the traditional form of architecture. Therefore, the loss of one of the building's traditional features would result in the signage being incongruous.

6. In addition, the presence of significantly sized signage at first floor level would also appear discordant as it would conflict with the character of the surrounding area in terms of the loss of a first-floor window.
7. This is a concern given that the presence of traditionally proportioned buildings is a feature of the surrounding area. Amongst other matters, a notable feature of the surrounding area is the presence of regularly proportioned windows, which form a harmonising feature between buildings. Therefore, the insertion of the proposed advertisements would be an incongruous addition, even though the appeal site is located near to a busy road.
8. This is a concern given that the proposed advertisement would be readily viewable from surrounding properties and several different vantage points in the surrounding area. This includes the junctions of Coventry Road with Whitmore Road and Grange Road; as well from sections of Coventry Road itself. Therefore, the proposed signage would be viewable from a notable distance away from the appeal site and would therefore be experienced by a greater number of people, thereby rendering it a strident addition.
9. In addition, the proposal would feature varying displays. This would therefore serve to draw additional attention to the proposed signage, which would render it even more strident. This would also be exacerbated by the relative position of the proposed advertisement on the front elevation of the building, for it would be a significant distance above the ground.
10. Although I have had regard to other signage within the surrounding area, the adverse effects would be particularly different owing to the differences in terms of design and style. I have noted other advertisements that feature electronic displays. However, these are not of the same design as the appeal scheme, or do not cover existing architectural features. Therefore, the presence of signage elsewhere does not allow me to disregard my previous concerns.
11. The proposed signage would only cover one window, that is not used by visiting members of the public. Whilst this is a matter of note, it does not overcome the harm arising from the positioning, scale and style of the advertisement.
12. The proposal would therefore conflict with the requirements of Policies PG3 and TP39 of the Birmingham Development Plan (2017); Policies DM2 and DM7 of the Development Management in Birmingham Development Plan Document (2021); and the Birmingham Design Guide (2022). Amongst other matters, these seek to ensure that proposals reinforce or create a positive sense of place; provide pleasant walking environments; be of a high standard of design; and be appropriate for its location.
13. I therefore conclude that the proposed advertisements would have an adverse effect upon the visual amenity of the surrounding area. The proposed advertisements, in this regard, would conflict with the requirements of the Framework.

Conclusion

14. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR