



Appeal Decision

Site visit made on 2 May 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/P4605/Z/22/3304708

Beneficial Building, 28 Paradise Street, Birmingham B1 2BJ

- 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 Keith Miller, Blow Up Media Ltd & Topland Living (Birmingham) Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/04742/PA, dated 11 June 2022, was refused by notice dated 5 August 2022.
 - The advertisement proposed is a back illuminated poster panel display for the display of static poster images measuring 7 metres wide x 10 metres high designed into the façade of south elevation of the building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the visual amenity of the area, including the impact on the setting of nearby listed buildings.

Reasons

3. The proposal is for a large back illuminated poster panel for static displays on the Swallow Street frontage of the seven storey Beneficial Building where it would face northbound traffic on Suffolk Street Queensway, a busy dual carriageway through the city centre. The former office building dating from the 1960s is currently being refurbished for a combination of business uses and apartments including recladding of the exterior.
4. The revised proposal follows an application for a larger poster panel 11.5 m high and 8 m wide which was refused and dismissed on appeal¹.
5. Although reduced in size and located in a large-scale commercial city centre environment which includes examples of all forms of advertising and some large format displays, the bespoke portrait shape poster panel would still dominate the view of the building as seen by motorists approaching from the south and pedestrians walking in the immediate vicinity. The building concerned has no special architectural merit, but a poster panel covering nearly 20% of the southern elevation would appear jarring and discordant in the street scene, particularly when seen in the same view as the high-profile buildings to the north-west, the Grade II listed Alpha Tower and Baskerville House, the Library of Birmingham and Aston Place. The Grade I listed Hall of

¹ References 2022/02896/PA & APP/P4605/Z/22/3300764

Memory is visible but not prominent in this view within these large-scale buildings. The advertisement, intended to be prominent, would be unduly harmful within the impressive cityscape of central Birmingham as seen from Suffolk Street Queensway.

6. The large digital advertisement projecting from the side of the Town Hall Car Park further south along Suffolk Street Queensway appears to have been decommissioned. If correct, this removes the prospect of clashing displays but does not mitigate the individual visual impact of the proposal.
7. The poster panel would be of stretched high-quality vinyl material back lit by LED lighting. Whilst this would be integrated within the cladding from the outset, not attached to the finished building as an afterthought, the submitted drawings show little constructional detail, a matter not addressed since the last appeal. The aesthetic effect of the proposal and its long-term maintenance on the appearance of the building has not therefore been fully established. As noted previously, there is no necessity for the design of the building to be supplemented by further colour or visual interest.
8. Contrary to the views of the appellant, the proposal does fall within the large-scale urban setting of the listed buildings referred to in paragraph 5. These transcend the Suffolk Street Queensway. However, the poster panel would face away from the buildings concerned and in each case the impact on the setting would be limited and the corresponding effect on the significance of the heritage asset and its understanding marginal.
9. The series of temporary permissions for a considerably larger mesh weave display, 15 m high and 9 m wide, have been taken into account². However, such advertisements are permitted to improve the appearance of a scaffolded building during construction works. It does not follow that a permanent advertisement display as an integral part of the design of the completed building would be acceptable.

Conclusion

10. Despite the reduction in the dimensions of the advertisement the proposal does not overcome the previous objections to the scheme. Whilst not materially affecting the setting of nearby listed buildings, the proposal would still cause significant harm to the visual amenity of the area, the relevant test under the advertisement regulations. It would conflict with Policy PG3 of the Birmingham Development Plan 2017 and Policy DM2 of the Development Management in Birmingham DPD 2021 which require new development to demonstrate high design quality, to reinforce a positive sense of place, to be appropriate to its location and to have acceptable impacts on amenity. It would also conflict with Paragraph 136 of the National Planning Policy Framework which opposes poorly sited advertisements.
11. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

² The latest being appeal decision APP/P4605/Z/20/3246065 on 9 June 2020