



Appeal Decisions

Site visit made on 27 June 2023

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal A Ref: APP/P4605/Y/22/3313529

Anchor Inn, Bradford Street, Birmingham B5 6ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Birmingham City Council.
 - The application Ref 2022/07014/PA, dated 12 September 2022, was refused by notice dated 7 November 2022.
 - The works proposed are the erection of replacement digital 'D-Poster' advertisement hoarding.
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Appeal B Ref: APP/P4605/H/22/3313535

Anchor Inn, Bradford Street, Birmingham B5 6ET

- 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 2022/07521/PA, dated 12 September 2022, was refused by notice dated 29 November 2022.
 - The advertisement proposed is the erection of replacement digital 'D-Poster' advertisement hoarding.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. The two appeals on this site relate to applications for listed building consent and express consent for the same scheme. Although I have considered each proposal on its merits, to avoid duplication I have dealt with them together, except where otherwise indicated, by reference to Appeal A and Appeal B.

Main Issue - Appeal A

4. The main issue is whether the proposal would preserve the Grade II listed building (listed as The Anchor Public House, Bradford Street), and any of the features of special architectural or historic interest that it possesses, and whether it would preserve the significance of the heritage asset.

Main Issue - Appeal B

5. The main issue is the effect of the advertisement on visual amenity, having regard to the building's listed status.

Reasons – both appeals

6. The building was listed in 1991 (Ref:1234167) and dates from the early 1900s. It is a two storey public house which is prominently located on the corner of Bradford Street and Rea Street in an area of mixed character and use.
7. The list description states, amongst other things, that the building was designed by James and Lister Lea for the Holt Brewery Company and is constructed in red bricked terracotta. It has a flat roof concealed behind a parapet with brick end and axial stacks. The list description details the ornate architectural detailing to the main elevations fronting both streets. This includes the terracotta moulded arches, raised voussoirs and keystones to the heads of most openings, the entablature above the ground floor, a highly decorative upper frieze and a detailed rounded corner. Several ground floor windows incorporate leaded panes with stained glass.
8. From the details available to me, including the list description, and my own observation, I consider that the special interest and significance of the listed building, insofar as it relates to these two appeals, is predominantly derived from its age, form, its historic fabric and architectural features, including its ornate architectural detailing.
9. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant listed building consent for any works, special regard should be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and, where applicable, public safety. The parties concur that the appeal proposal would not be harmful to public safety. However, its effect on amenity is disputed, and factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic and architectural interest.
11. The proposal would replace an existing advertisement hoarding that incorporates projecting strip illumination and a gantry. The proposed advertisement hoarding would be approximately the same size and scale as the existing hoarding and be positioned at a similar height but would comprise an internally illuminated digital display. This display would be designed to mimic the appearance of a paper and paste advertisement. The level of illumination would be in accordance with the Institute of Lighting Professionals' (ILP) guidelines, with light sensors to adjust to the brightness of the day and additional controls over brightness during hours of darkness. The unit would display static images with instant changes no more frequently than once every ten seconds.
12. The removal of the existing external illumination and gantry, together with the slimmer unit, would reduce the visual clutter on the building. However, the nature of the proposed display with its internal illumination, high resolution imagery, typically vibrant colours and changing images is designed to attract attention and would appear dominant and garish on the building. Even with the suggested controls and planning conditions to adjust the levels of illumination, including brightness levels significantly less than the ILP guidance, the visual

impact of the appeal proposal would, in my view, be substantially greater than the existing externally lit paper advertisement. On dull days and after dark even low luminance settings would not satisfactorily diminish the proposal's vivid presence on the building.

13. As a result, the proposed digital display would represent a strident and jarring contrast to the architectural detailing of the building and would exacerbate the visual prominence of the existing advertisement hoarding. It would be an unexpected and distracting feature and would draw attention away from the positive aspects of the listed building that I have identified, which are the principal contributors to its significance. It would also compromise the ability to understand, appreciate and experience its architectural and historic interest and significance.
14. Whilst the side gable is not part of the main architecturally distinctive elevations fronting the street, and part of this gable may have been a party wall to an adjoining structure, it is still an integral part of the listed building. In southerly views along Rea Street the gable is viewed in conjunction with the elaborate front elevation and from here the building's special interest and significance can be experienced, including an appreciation of its form and architectural composition. From this viewpoint, for the reasons given, the proposed digital display would greatly exacerbate the visual impact of the existing hoarding and would have a harmful and dominating presence on the whole building.
15. I have noted the context of the site and its surroundings and the variety of other signage, adverts and street art in the area. I also have no evidence that the appeal property is in a conservation area. However, these appeals relate to a building listed for its intrinsic architectural and historic interest, and significance, and these factors are not relevant to the appeals before me.
16. I have reviewed the examples of the comparisons between a traditional paper and paste display against a digital display, and the examples of digital displays during different lighting conditions. However, it is not possible to draw any conclusions from these examples as the printed images do not allow a realistic assessment, particularly for night-time impressions. Also, with limited background information I cannot be certain that they are representative of the circumstances of the appeal site.
17. Overall, I consider that the visual prominence of the proposed digital display would detract from the special interest/significance of the listed building and therefore would have a harmful effect on the visual amenity of the area.

Conclusion - Appeal A

18. The proposal would fail to preserve the Grade II listed building and its features of special architectural and historic interest. Harm would also be caused to its significance. Therefore, the expectations of the Act are not met. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification.

19. I find the harm, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
20. The removal of the gantry, lighting equipment and the slimmer frame of the proposal would reduce visual clutter on the building, and this would attract a moderate public benefit. It is suggested that the proposal would be of high quality and have minimal fixings to avoid damage to the building. However, these matters would be expected of any works to a listed building and therefore could not be regarded as public benefits. Furthermore, whilst theoretically the proposal would be reversible, due to the financial outlay it would be unlikely to be removed.
21. Whilst lower light levels, more controllable illumination, reduced energy costs, upgrading of the hoarding, fewer visits to replace the posters, and less printing and paper waste could reasonably be considered public benefits, there is little information to substantiate these claims. Furthermore, it has not been demonstrated that such improvements could not be achieved through alternative means, thereby avoiding the harm identified to the heritage asset. Also, I have no adequate information relating to the use of the advertisement for public service messaging and other non-commercial campaigns. As such I consider that little weight can be given to these limited benefits.
22. Given the above, I conclude that the public benefits identified above would be of insufficient weight to outweigh the great weight to be given to the harm to the Grade II listed building. In addition, there is no clear and convincing justification for the harm to the significance of the listed building. The proposal would fail to preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses and would not protect the significance of the heritage asset. It would fail to satisfy the requirements of the Act and paragraph 199 of the Framework. It would also conflict with Policy TP12 of the Birmingham Development Plan (2017) and the Birmingham Design Guide SPD (2022), insofar as these are relevant. These, amongst other things, seek to protect and enhance the significance of heritage assets.

Conclusion - Appeal B

23. With respect to the Regulations, the listed status of the appeal building, together with the provisions of the development plan are relevant material considerations. Having regard to all the relevant factors set out above, I conclude that the proposal would be harmful to visual amenity.

Overall Conclusion – both appeals

24. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR