



Appeal Decision

Site visit made on 28 June 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9TH August 2023

Appeal Ref: APP/P4065/Z/22/3313158

113 Coventry Road, Birmingham, B12 0JU

- 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 Poster Property Ltd against the decision of Birmingham City Council.
 - The application Ref 2022/06066/PA, dated 27 July 2022, was refused by notice dated 9 November 2022.
 - The advertisement proposed is a replacement digital D-Poster advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the replacement digital D-Poster advertisement display 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: -
 1. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m².
 2. No individual advertisements displayed shall contain moving images, animation, video, or full motion images.
 3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.
 4. Within 4 weeks of the approved digital advertisement display being erected, all of the 4 existing displays shall be taken down and removed from the site.

Procedural Matter

2. I have noted that the description of the proposal on the Council's decision notice refers to "externally illuminated hoardings" (plural). However, it is clear from the application form, the plans and the submitted documents that only one advertisement display is proposed. Therefore, I have determined the appeal on that basis.

Main Issues

3. These are the effect of the proposal on the character and appearance of the area; and the effect on the living conditions of future occupants of the 193 Camp Hill development.

Reasons

Character and Appearance

4. The appeal site is a used car sales business, which is situated within the built-up urban area, relatively close to the city centre. It is within the Digbeth, Deritend and Bordesley Conservation Area (CA). The area in the vicinity of the appeal site is predominantly commercial, with a wide variety of businesses and buildings that vary in terms of their ages and appearance. Advertisements on buildings and within car parks and forecourt areas are common and these also vary in their size, position and means of illumination. These include four externally illuminated hoardings on the appeal site.
5. The Council's Conservation Area Character Appraisal points to the CA being a distinctive inner city industrial quarter with a number of important buildings and structures. It also includes sites where sensitive redevelopment will be encouraged. I have also observed that number 123 High Street (number 123), which is locally listed, lies to the north west of the appeal site, although this is separated from the appeal site by intervening buildings.
6. The proposal is to remove the four existing externally advertisement displays and erect one digital display adjacent to the north west boundary of the site. The proposed display would be the same size as each of the existing displays.
7. The Council refers to various Development Plan policies in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety. The provisions of the Development Plan are not determinative. Nevertheless, they provide useful background in understanding the Council's reasoning.
8. The Council contends that the proposed display and its illumination would be large, alien and untraditional. Therefore, it would be harmful to the character and appearance of the area and harmful to the setting and understanding of number 123. To a certain extent, I understand the Council's concerns. The proposed digital display could not be described as a traditional form of advertising and it would be counter to the Council's heritage objectives.
9. However, in reaching my decision, I have given considerable weight to the fact that there would be a significant reduction in the amount of advertising around and within the site. Three illuminated displays would be removed and, in my opinion, the site, the streetscene and this part of the CA would be enhanced because of this. Furthermore, I am not persuaded that the proposal would have an unacceptably harmful effect on the setting of number 123, because of the intervening buildings which separate the two sites, both visually and functionally.
10. Therefore, I conclude on this issue that the proposal would not have a harmful effect on the character and appearance of the area.

Living Conditions

11. I observed at my site visit that the site known as the 193 Camp Hill development had been cleared. Part of the redevelopment site faces the appeal site, although it is the opposite side of Coventry Road.

12. The Camp Hill development was granted planning permission in 2022. It is a major mixed-use development, part of which includes a 26-storey building (Block A), with commercial uses on the lower level and residential above. The Council contends that proposal would be a nuisance and cause disturbance to future residents occupying units facing the appeal. The separation distance is quoted as being 38m.
13. Whilst some future residents will be able to see the proposed advertisement, this must be considered against the impact of the existing illuminated displays, which the appellant states would be retained if the appeal was to be dismissed. Furthermore, it should also be assessed in the context of the urban location of both the appeal site and the Camp Hill development, where street lighting, illumination from other buildings and moving vehicle headlights are a part and parcel of the area. These will all impact on living conditions. Consequently, I conclude on this issue that the proposal would not have a harmful impact on the amenity of future residents of the Camp Hill development.

Other Matter

14. Proposals for advertisements must also be considered against public safety. No highway objections to the proposal were raised by the Council and I have no reason to disagree with that conclusion. No other safety issues have been brought to my attention.

Conditions

15. Consent for the display of advertisements is subject to five standard conditions. Although the Council has not suggested any additional conditions, I did consult with both parties regarding conditions relating to the intensity of illumination, the time period between displays and a restriction on moving images. I also sought comments on a condition requiring the removal of the existing displays. The appellant responded stating that there are no objections. Consequently, I have imposed these in the interests of both amenity and public safety.

Conclusion

16. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR