
Appeal Decisions

Site visit made on 29 August 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal A Ref: APP/P4605/W/22/3312351

Pavement outside Holyhead Road, Handsworth, Birmingham B21 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Birmingham City Council.
 - The application Ref 2022/06013/PA, dated 15 July 2022, was refused by notice dated 27 October 2022.
 - The development proposed is installation of 1 no new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/P4605/H/22/3312352

Pavement outside Holyhead Road, Handsworth, Birmingham B21 0HH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Birmingham City Council.
 - The application Ref 2022/06032/PA, dated 15 July 2022, was refused by notice dated 27 October 2022.
 - The advertisement proposed is 2 no digital 75" LCD display screens, one on each side of the Street Hub unit.
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Decision

1. **Appeal A** is allowed and planning permission is granted for the installation of 1 no new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk at Pavement outside Holyhead Road, Handsworth, Birmingham B21 0HH in accordance with the terms of the application 2022/06013/PA, dated 15 July 2022, subject to the conditions in the Schedule at the end of this decision.
2. **Appeal B** is allowed and express consent is granted for 2 no 75" LCD display screens, one on each side of the Street Hub unit, at Pavement outside Holyhead Road, Handsworth, Birmingham B21 0HH in accordance with the terms of the application Ref 2022/06032/PA, dated 15 July 2022. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the conditions in the Schedule at the end of this decision.

Preliminary Matters

3. As set out above, there are two appeals on this site. Appeal A relates to a refusal for planning permission, and Appeal B relates to the Council's refusal to grant advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals together, except where otherwise indicated.
4. The Regulations stipulate that control may be exercised only in the interests of amenity and public safety. With respect to Appeal B, development plan policies are only relevant considerations insofar as they relate to such matters.

Main Issues

5. In Appeal A, the main issue is the effect of the proposal on the character and appearance of the area.
6. For Appeal B, the Council has raised no objection in respect of public safety, and I observed nothing to contradict this view. The main issue is, therefore, the effect of the advertisements on the amenity of the area, with particular regard to visual amenity.

Reasons

Character, appearance, and amenity of the area

7. The proposed Street Hub would replace an existing payphone kiosk located on the pavement on the southern side of Holyhead Road, close to the junction with Station Road. Holyhead Road is a busy highway and the southern side of the street adjacent to the site is characterised by shops, takeaways, and other commercial uses at ground floor level. These commercial units advertise themselves with fascia signs, projecting signs, and awnings. The parade of commercial units adjacent to the site form part of a 3-storey terrace with attractively detailed Dutch gables. A range of street furniture is located near to the site, including bollards, lamp posts, potted plants and a bin. A bus stop is located on the northern side of the street. The pavement is, however, particularly wide on the southern side of Holyhead Road, and the street scene does not therefore appear cluttered. Rather, the street has an animated, bustling commercial character, with people passing along the street, entering and exiting the commercial units.
8. The existing payphone kiosk includes a paper advertisement on one side and is of a similar scale to the proposed Street Hub. Whilst the proposed advertisements would be more visible during the hours of darkness or in dull conditions, the digital displays would not be unduly intrusive or incongruous given their position in an area with a distinctly commercial appearance. As such, subject to conditions to control their illumination at night, the size, positions and method of illumination of the proposed advertisements would not harm the amenity of the area.
9. The Street Hub would have a slender modern appearance and the appellant's product statement describes the facing materials as powder coated aluminium and glass, with the renders showing the metal in a very dark monotone. It would be seen as a typical urban roadside feature amongst other street furniture. Given the width of the pavement, and the removal of the existing dated payphone unit, the cumulative impact of the Street Hub with the existing

street furniture would not adversely affect the existing commercial character and appearance of the area.

10. Overall, the Street Hub and the digital advertisement displays would not adversely affect the character or appearance or amenity of the area. The proposals would accord with Policy PG3 and TP39 of the Birmingham Development Plan 2017 (BDP), Policy DM2 of the Development Management in Birmingham Development Plan Document 2021 (DPD) and Design Principles 2 and 3 of the Birmingham Design Guide (BDG). Amongst other things, these look to ensure new development responds to local context, provides attractive streets and pleasant walking environments. Furthermore, the advertisement proposal would accord with Policy DM7 of the DPD which requires advertisements to be sympathetic to the character and appearance of their location, avoiding clutter of signage in the public realm. The proposals would also comply with the National Planning Policy Framework which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conditions

11. In the interests of certainty, with regard to Appeal A, I have imposed the standard conditions relating to the commencement of the development and the approved plans. It is necessary to impose a condition in relation to the external finish of the hub in order to ensure a satisfactory appearance. Finally, in respect of Appeal A, to prevent a proliferation of street furniture, a condition is included that requires the removal of the existing payphone kiosk.
12. In respect of Appeal B, the five standard conditions as set out in the Regulations apply. In addition, and in the interests of public safety, conditions are included on the level of illumination, the frequency of changes to advertisements, and that require instant changes to displays. For the same reason, conditions are imposed that restrict moving images and advertisements that resemble traffic signs.

Conclusion

13. For the reasons above, both Appeal A and Appeal B are allowed.

S D Castle

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL A – APP/P4605/W/22/3312351

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 001 revision A, 002 revision A, and 003 revision A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021.
- 4) The Street Hub hereby permitted shall not be first used until the existing telephone booth shown to be removed on the approved plans has been completely taken down and removed from the defined application site.

SCHEDULE OF CONDITIONS FOR APPEAL B – APP/P4605/H/22/3312352

- 1) The intensity of the illumination of the display screens shall not exceed 600 candelas per square metre between dusk and dawn and 2500 candelas per square metre at any other time in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 2) The display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each advertisement shall be 10 seconds.
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.