



Appeal Decision

Site visit made on 5 December 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/P4605/Z/23/3326694

24-28 Holyhead Road, Handsworth, Birmingham B21 0LT

- 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 Clear Channel UK against the decision of Birmingham City Council.
 - The application Ref 2023/03474/PA, dated 24 May 2023, was refused by notice dated 19 July 2023.
 - The development proposed is display of 2no. freestanding 48-sheet internally illuminated digital poster displays.
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Decision

1. The appeal is allowed and express consent is granted for the display of 2no. freestanding 48-sheet internally illuminated digital poster displays. 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 intensity of the luminance of the advertisement hereby approved shall be no greater than 2500 cd/sqm between sunrise and sunset and shall be no greater than 300 cd/sqm between sunset and sunrise. The advertisement shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 2) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous.
 - 3) Advertisements shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
 - 4) The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.
 - 5) The advertisement shall be switched off between the hours of 00.00 and 05.00.

Preliminary Matters

2. The Council has drawn my attention to the policies and guidelines it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to

control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the proposed advertisements on visual amenity.

Reasons

4. The two proposed advertisements would be located at each side boundary of a car wash facility located along Holyhead Road, facing towards the highway. Holyhead Road is commercial in its character, comprising of buildings which vary in scale and function with spacious fronts which create a noticeable distance between the highway and the buildings located along it.
5. There are numerous examples of totem pole and fascia advertisement displays on Holyhead Road. Totem pole advertisements in this area are located more closely to the highway. I benefitted from visiting this site during both daylight and dark hours. I noted that illumination from fascia signage, street lighting and totem signage is not uncommon and therefore I do not consider this location as a dark landscape. This adds to the commercial character of Holyhead Road.
6. Both advertisement displays would be large rectangular structures. Whilst I note that these displays would be prominent due to their size and modern appearance, I do not consider this to be harmful in this particular case. This is due to the separation distances from the highway to the buildings in which the displays would be located between. This would not lead to a cluttered relationship between the proposed displays and nearby buildings. Furthermore, these displays would be located in a similar position to the totem pole signage examples found further along Holyhead Road. This would therefore have a similarity found between each advertisement type and would not appear jarring within the street scene.
7. There is a presence of existing signage situated along the south-eastern edge of the site. There is no evidence to suggest if these signs have been authorised through advertisement consent, or if they have deemed consent due to the number of years they have been present on the appeal site. The Council further note that the presence of the existing signage does not provide a justified reason for a new digital display. I agree with this view. However, I find that the proposed advertisement in this location would not be harmful due to the gap between buildings which would not give a cluttered appearance. The proposal would also be located in a similar position to similarly sized totem pole signage further along Holyhead Road.
8. The Council have also noted that the prominence of the proposed displays would be increased by the use of illumination and changing images. As noted above, I have found that illumination in this location is not uncommon due to the presence of commercial businesses and signage which currently exists. I also note that the appellant and the Council Transportation team has provided a series of conditions which I consider would reduce the effect of illumination on the visual amenity of the street scene. These conditions are discussed later in this decision.

9. Overall, the proposed advertisements do not strike me as being excessive and would not appear out of place in this particular context in relation to their surroundings and relationship with neighbouring buildings. I also find that there would be no effect of a cluttered appearance or any significant harm to the visual amenity of the area.
10. I find no conflict with Policy PG3 of the Birmingham Development Plan, Policy DM7 of the adopted Development Management in Birmingham Development Plan Document, design principle 3 and city note SS-6 of the adopted Birmingham Design Guide and the National Planning Policy Framework. These policies and the supplementary guidance require designs that respond to site conditions, the context of the local area and for advertisements to be suitably located, avoiding proliferation or clutter of signage in the public realm and are sympathetic to their location, amongst other things.

Conditions

11. The appellant has suggested conditions in addition to the standard set of conditions imposed by the Regulations. To protect visual amenity, it is necessary to apply a condition [1] to control the illuminance of the advertisements so that they do not stand out significantly in the street during the hours of darkness. To also protect visual amenity, it is also necessary for conditions to avoid special effects, moving or sequencing images, ensure a minimum display time, reduce the rate of change of images to instantaneous and have hours of no illumination [2, 3 and 5].
12. In addition, I have also included a condition [4] for the displays to contain a safety feature that will turn off the display in the event of malfunction or error. This is necessary in the interests of highway safety and visual amenity.

Conclusion

13. For the reasons above, the appeal is allowed.

J Smith

INSPECTOR