



Appeal Decision

Site visit made on 19 April 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/P4605/Z/23/3333975

NCP Car Park, High Street, Birmingham, B4 7LN

- 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. Sam Harrison on behalf of King Media Ltd against the decision of Birmingham City Council.
 - The application Ref 2023/06416/PA, dated 21 September 2023, was refused by notice dated 14 November 2023.
 - The advertisement proposed is Display of an Externally Illuminated Advertisement.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed advertisement would preserve or enhance the setting of the Grade II listed St Michael's Church.

Reasons

3. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to preserving the listed building or its setting or any features of special architectural or historic interest.
4. The appeal property is a multi-storey car park located in Birmingham City Centre. It is normally entered from Albert Street to the side or Dale End at the rear, but its front façade faces Moor Street Queensway which at the time of my visit, despite traffic diversions, was busy with both pedestrian and vehicular traffic. The car park is set back from the road behind the pavement. It is faced in dark coloured brick. Ramps, curved corners, and open decks to some extent break up its substantial façade. The building was undergoing construction work at the time of my visit and had see-through mesh across its front and scaffolding on the ground floor.
5. St Michael's Church faces onto Moor Street Queensway close to the appeal site. Its special significance derives from its classical stucco façade which includes a moulded pediment and round arched windows. The area around it consists of mainly modern buildings, including the Bull Ring shopping centre to the south, and high rise buildings on Exchange square and across the road on Moor Street Queensway to the north. On the opposite side of the road, land adjacent to Moor Street station is undergoing redevelopment. St Michael's Church's immediate setting comprises the neighbouring Church at Carrs Lane, which in contrast to it has plain features and is constructed of dark coloured brick. On

the other side the flank walls of a Victorian terrace sit back from the corner of Albert Street enabling views of the side of St Michael's Church when approaching it from the north.

6. The proposed plans describe the advertisement as a banner display. It would be approximately 8m x 30m, made of woven polyester, and externally illuminated from 7am to 11.00pm by 11 floodlights along its top frame. It would cover a substantial part of the elevation facing onto Moor Street Queensway, which would remain free of scaffolding.
7. The Birmingham Design Guide - Streets and Spaces City Manual (2022) (BDG) only allows large scale banners where they are used to cover scaffolding installed over the whole elevation of a building. The proposal would thus conflict with the BDG in this regard. Furthermore, the advert would dominate the building and exceed the size of most adverts I saw within the surrounding area and the wider City Centre. The BDG also advises that adverts in general should not detract from the character or appearance of listed buildings.
8. When approaching St Michael's Church from the north, Albert Street and the small carpark on its corner provide enough of a visual break between the Church and the appeal property that the latter does not significantly contribute to its setting. However, when approaching from the Bull Ring or Moor Street Station to the south, this gap is not visible from some views because of the angle of Moor Street Queensway and the setback position of the Victorian Terrace on Albert Street. Viewed from this direction the front elevation of the appeal building forms the backdrop and immediate setting to the Church.
9. The utilitarian design of the appeal building contributes little to this setting. However, its dark coloured plain elevation contrasts with the light coloured stucco and classical form of the Church allowing it to stand out against the appeal building background and drawing attention to its historically significant features. The proposed advertisement would replace this plain backdrop creating visual clutter that would detract from these views of the Church causing substantial harm to its setting.
10. Overall, I conclude that the proposed advert would fail to protect or enhance the setting of the Grade II Listed St Michael's Church and would harm the visual amenity of the area contrary to Policies PG3 and TP12 of the Birmingham Development Plan (2017), Policy DM2 and DM7 of the Development Management in Birmingham Development Plan Document (2021) and the National Planning Policy Framework (2023) which require development to protect and enhance the setting of historic buildings and protect visual amenity.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR