
Appeal Decision

Site visit made on 14 May 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Appeal Ref: APP/P4605/W/24/3337135

Pavement on east side of Pershore Street, Digbeth, Birmingham B5 4RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Martin Stephens of JCDecaux UK Limited against the decision of Birmingham City Council.
- The application Ref is 2023/07276/PA.
- The development proposed is installation of advertised communication hub unit with defibrillator.

Decision

1. The appeal is allowed and planning permission is granted for installation of advertised communication hub unit with defibrillator at the pavement on east side of Pershore Street, Digbeth, Birmingham B5 4RW in accordance with the terms of the application, Ref 2023/07276/PA, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following set of approved plans numbered A02287 Rev A comprising 1:1250 plan, 1:200 plan, and elevations, except in respect of the advertisement.

Preliminary Matters

2. Although the plans show an advert displayed on one side of the communication hub unit, and the description of development includes an advertisement, this appeal relates solely to the hub unit which requires planning permission, not the advert which requires separate consent.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and the living conditions of the occupiers of nearby properties with respect to their outlook.

Reasons

Character and appearance

4. The unit would be sited on a main road close to the centre of Birmingham. It would be positioned outside The Forum building which appears to be primarily in residential use. Across the road is a multi-storey car park and there are

some other retail units and restaurants further afield with flats above. The mix of residential, retail and the role of Pershore Road as a main road into the city, gives the area a semi commercial character. The pavement on which the unit would be sited is very wide; showing as 6m on the plans. There is a bus stop and shelter a short distance to the north and other street furniture on this pavement includes traffic lights and streetlamps.

5. The proposed unit would be around 2.6m tall and 1.3m wide, have a phone and defibrillator on one side and space for an advert on the other. Though it would be a sizable addition to the pavement, it would not be significantly larger than the end panel of the bus shelter further along the road so would not appear incongruously dominant. Also more than 3.5m of the width of the pavement would remain, so it would not materially restrict pedestrian movement. Moreover, there is little other street furniture close to it and, in light of the significant spread of the pavement, it would not result in a cluttered footway.
6. Overall it would not dominate its surroundings and would not unacceptably harm the character and appearance of the area. Consequently it would accord with policy PG3 of the Birmingham Development Plan which seeks to ensure development responds to the local area context. It would also accord with Birmingham Design Guide Principle 3, which requires development to positively interact with its surrounding public realm and provide attractive environments, and City Note SS4, which aims to avoid street clutter.

Living conditions

7. The Council suggest the development would be bright and visually distracting to nearby residents. Though the phone part of the unit does have a touch screen which may display bright images, it is very small in size and would be under a canopy. The structure itself would be dark grey in colour.
8. The nearest residents would be those in the flats at first floor level in The Forum. Most views from here would be of the top of the unit. Due to the muted colour of the unit and the limited amount of illumination, it would not harm the outlook from these nearest properties and the living conditions of the residents would not be adversely affected. The development therefore, in this regard also, would accord with policy PG3.

Other Matters

9. The Council also raised objection as the appeal site is within the application site for a development at Smithfield which is a short distance to the southeast. However the Council have provided no evidence to suggest the proposal would interfere with any development at Smithfield.

Conditions

10. I have included conditions relating to the commencement of the development and the approved plans in the interests of certainty.

Conclusion

11. The proposal would accord with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal is allowed.

A Owen

INSPECTOR