



Appeal Decision

Site visit made on 14 September 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2024

Appeal Ref: APP/P4605/Z/24/3344990

Land adjacent to 356 Bromford Lane, Birmingham B8 2RZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Birmingham City Council.
 - The application Ref is 2024/01930/PA.
 - The advertisement proposed is the display and upgrade of internally illuminated no.2 existing 48-sheet hoardings to support no.1 digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. Advertisements should be controlled only in the interests of amenity and public safety. There are no objections to the digital poster on public safety grounds. The main issue in this appeal is the impact of the proposal on the amenity of nearby residents, in particular the occupiers of the first-floor flats at 354 and 356 Bromford Lane (Nos 354 and 356).

Reasons

3. The appeal site is occupied by a longstanding, double-sided, 48 sheet paper advertising hoarding. It is externally illuminated on the south elevation where it faces the frontage of a care home. The display is located between the care home site and a parking area to the front of a parade of commercial premises. There are residential units on the first floor of the parade. These include Nos 354 and 356 which are the nearest to and have windows facing the appeal site.
4. The appeal proposal seeks to replace the existing hoarding with an internally illuminated digital poster of similar dimensions. It would be in broadly the same position as the existing display.
5. The proposal would introduce a new, north-facing light source from a 48-sheet sized digital advert set at 90 degrees to the end of the parade. Due to its overall size and closeness to the adjacent first-floor residential windows, I consider that the proposed illumination would result in significant light disturbance to the nearest residential occupiers. The display would also be unacceptably prominent in the outlook from the facing windows. Furthermore,

the impact of the proposed illumination would be far greater than the light spillage from the external illumination of the south side of the existing hoarding.

6. It is acknowledged that there are other sources of external light along this part of the Bromford Lane, including from traffic, commercial premises and street lighting. However, these are existing light sources and, importantly, are further from the first-floor windows than the digital panel would be. Overall, I conclude that the proximity of the proposed display to the windows of Nos 354 and 356 would result in significant harm to the amenity of their occupiers.
7. In reaching my decision, I have had regard to a 2018 dismissed appeal for the display of one internally illuminated 48 sheet freestanding LED display unit at the appeal site. Among other things, the Inspector found that the location and illumination of the advert would have a detrimental impact on the amenity of the neighbouring residential properties and that any illumination here would be harmful. I agree with these conclusions.
8. The appellant suggests controls to improve the relationship with the neighbouring residential uses. These comprise reducing the level of illumination by half from dusk until dawn and switching off the display between 23:00 and 06:00. The Council has had an opportunity to comment on these conditions. As the appellant indicates, appropriate controls could ensure that the light emissions would be the same as from a traditional advertising display. However, Nos 354 and 356 are not currently subject to light emissions from the existing hoarding to any notable extent and the proposed additional controls would not overcome the harm to amenity that I have identified.
9. The appellant refers to displays of advertisements placed at 90 degrees to neighbouring properties, including those at 1087 and 1094 Pershore Road. These displays do not have the same spatial relationship with their nearby residential properties as the appeal site. This appeal has been determined on its unique, site-specific circumstances.
10. The removal of the existing hoardings which are in poor condition would improve the visual amenity of the wider area. However, for the reasons set out above, and considering all other matters raised, I conclude that the introduction of the internally illuminated digital advertisement display would have an unacceptable relationship with the occupiers of Nos 354 and 356. The identified harm could not be adequately mitigated by the suggested measures.
11. Whilst they are not in themselves determinative, the proposal does not comply with the principles set out in Policy PG3 of Birmingham Development Plan 2017, Policy DM7 of the Development Management in Birmingham DPD, the Birmingham Design Guide and the National Planning Policy Framework. In summary and of relevance to this appeal, these policies and guidance require that advertisement displays are well designed, suitably located and designed to preserve or enhance the surrounding character and should not impact on amenity.
12. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR