

Appeal Decision

Site visit made on 24 September 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/P4605/Z/24/3351273
Unit 526, Central Street, Birmingham, B5 4BN

- 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 Zambrero against the decision of Birmingham City Council.
 - The application Ref is 2024/00071/PA.
 - The development proposed is external alterations to the shopfront including new metal cladding, glazing and glass balustrade.
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Decision

1. The appeal is allowed and express consent is granted for external alterations to the shopfront including new metal cladding, glazing and glass balustrade at Unit 526, Central Street, Birmingham, B5 4BN in accordance with the terms of the application Ref 2024/00071/PA, dated 5 January 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

Procedural Matters

2. The name of the appellant on the application form is Zambrero. The name of the appellant on the appeal form is Zambrero UK Ltd.
3. For clarity, the description of development is taken from the Council's decision notice.
4. The planning application related to this appeal was split whereby the Council determined the application in two separate parts and provided two separate decision notices. This appeal relates to that part of the application referred to above. A separate appeal decision¹ relates to the other decision by the Council.
5. The proposed development is within the setting of the Parish Church of St Martin, a Grade II* Listed Building. The Council has not raised concerns in respect of the effect of the proposed development on the setting of a heritage asset. Rather, the Council states that "the change would not cause harm to the significance of the church as it will just be one further element added to the modern retail environment that is its setting."

¹ Reference: APP/P4605/Z/24/3341515.

6. The postcode provided on the application form and on the Council's decision notice is incorrect. I have provided the correct postcode as part of the site address provided above.

Main Issue

7. The main issue in this case is the effect of the proposal on visual amenity.

Reasons

8. The appeal property comprises a restaurant occupying a unit within the Bullring Shopping Centre. It is located alongside and fronts onto, a main pedestrian route along St Martin's Walk.
9. It is situated within a very busy commercial shopping and leisure area within Birmingham city centre. The appeal site opens out onto St Martin's Walk at street level but is situated within a tall, modern retail and leisure building, which appears from outside to be formed of three main, high stories.
10. This commercial building extends along much of St Martin's Walk, as it drops in height from close to the Rotunda down to the Parish Church of St Martin, a Grade II* Listed Building (St Martin's) of late medieval, 13th Century origin, notable for its tower and spire. The building within which the appeal site is located is largely mirrored by a similar commercial building to the opposite side of the pedestrian street, effectively forming a tall corridor of retail and leisure units.
11. St Martin's Walk is oriented such that, as one walks down the hill, the steeple and roof of St Martin's appears as a central feature. Consequently, the appeal site appears within a key view of and within the setting of, this heritage asset. St Martin's itself is largely surrounded by commercial development, much of it, like St Martin's Walk, comprising very large, modern buildings.
12. During my site visit, I observed that whilst the similarities between the two buildings either side of St Martin's Walk provide for some degree of symmetry and uniformity, they present markedly differently to the street at ground floor level, due to the different commercial uses of neighbouring units.
13. Some units comprise shops, with large display windows and advertisements, whilst others include restaurants and coffee shops, each with vastly different approaches to the presentation to unit frontages. Further, the presence of projecting balconies at first and second storey levels above and adjacent to the appeal site is not mirrored on the opposite side of the street and these features draw the eye and severely the sense of uniformity in this location.
14. The variety of shopfronts includes varied fenestration, significant differences in the widths, heights, lengths, colours and design of signage and advertisements, and significant differences in respect of the presence, length, height and design of wooding decking/platforms and seating areas in front of units.
15. Whilst this results in a wide and varied character at street level, rather than the "standard approach" suggested by the Council, the presence of similar glass balustrades in front of decked areas provides for a sense of uniformity.

16. The proposal would provide a neat cladding to provide background for signage. Rather than result in a visually dominant “double height fascia,” this would simply appear as a carefully designed and somewhat muted background feature. It would sit comfortably below the first floor, where a large sign advertising a pizza restaurant can be seen through a double height window and would appear as an orderly addition adjacent to a large projecting balcony.
17. Noting this, I find that the cladding would not comprise clutter, but would appear in keeping with its surroundings. Further, the proposal includes the retention and refurbishment of various features, all of which will enhance the appearance of the appeal site and with which the Council has not raised any concerns.
18. Taking all of the above into account, I find that the proposal would not be detrimental to visual amenity. It would not be contrary to the National Planning Policy Framework; to Birmingham Development Plan (2017) Policy PG3; and to the Council’s Birmingham Design Guide Principles Supplementary Planning Document (2022) and Streets and Spaces City Manual (2022), which together amongst other things, seek to protect local character.

Conditions

19. The Council has confirmed that it is satisfied that no conditions other than the five standard conditions set out in Schedule 2 of the 2007 Regulations need to be imposed.

Conclusion

20. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR