

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 for Communities and Local Government

Decision date: 7 October 2024

Appeal Ref: APP/P4605/Z/24/3341515

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 2024/00074/PA.
 - The advertisement proposed is the display of 1no. internally illuminated fascia sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1no. internally illuminated fascia sign at Unit 526, Central Street, Birmingham, B5 4BN in accordance with the terms of the application, Ref 2024/00074/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, Zambrero, is the name of the company provided on the application form. The agent who submitted the appeal form is also named as the agent on the application form.
 3. The proposal the subject of this appeal is an internally illuminated fascia sign. The description of development is taken from the Council's decision notice. A more detailed description in the officer's report describes the development as "1 x internally illuminated fascia located above entrance measuring in total approximately 3.2m (L) x 1.1m (H) consisting of two levels of individual illuminated letters."
 4. The application form refers to the proposal the subject of this appeal as "new fascia signage, fixed to shopfront. Text reads "Zambrero" (to match RAL 6018) and "FEEL GOOD MEX" (to match RAL 6005). All 3D illuminated individual acrylic fabricated letters."
 5. The planning application related to this appeal also proposed awning signage. This element of the proposal was approved by the Council. Consequently, it is only that part of the original application that relates to the internally illuminated fascia sign that is the subject of this appeal.
 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.
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7. 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.

Main Issue

8. The main issue in this case is the effect of the proposed advertisement on visual amenity.

Reasons

9. 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.
10. 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.
11. The building within which the appeal site is located 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). The building is largely mirrored by a similar building to the opposite side of the pedestrian street, effectively forming a commercial corridor.
12. 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.
13. St Martin's is of late medieval, 13th Century origin, albeit largely re-built and is notable for its tower and spire, which has been repaired and restored over the last four centuries. The church is largely surrounded by commercial development, much of it, like St Martin's Walk, comprising very large, modern buildings.
14. 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.
15. Some units comprise shops, with large display windows and advertisements, whilst others include restaurants and coffee shops, with vastly different approaches to advertisements, signs and treatment of areas immediately adjacent to front façades. 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 disrupt the sense of uniformity between nearby ground floor units.
16. I also noted during my site visit that the advertisements in the vicinity appear significantly different to one another in respect of size, appearance and location. They are of different widths, heights, lengths and colours. Some appear above doors, some appear on glazing itself, some appear on walls, some appear along the full length of units over lintel features, some appear behind windows.

¹ Reference: APP/P4605/Z/24/3351273

17. However, rather than create an unattractive “cluttered” effect, this simply reflects the fact that this is an extremely busy retail and leisure area in the middle of Birmingham city centre. Signage appears neat and in keeping with its surroundings.
18. Given this, commercial signage, including significant illuminated signage, appears entirely characteristic of the area and forms part of the key view to St Martin’s.
19. The proposed development would comprise individually illuminated lettering on a muted background. The letters themselves would appear smaller than the lettering of illuminated signs on neighbouring units and I find the overall presentation to be such that, as a whole, the sign would appear as an attractive commercial feature, entirely in keeping with its surroundings.
20. Further to the above, noting that the sign would be located within an area of commercial signage, which itself is wide and varied, I am satisfied that, as an attractive sign, the proposal would complement its surroundings and in so doing, conserve the setting of St Martin’s.
21. Taking all of the above into account, I find that the proposed advertisement would not be detrimental to visual amenity. It would not be contrary to the National Planning Policy Framework; to the Council’s Development Management in Birmingham Development Plan Document (2021) Policy DM7; to Birmingham Development Plan (2017) Policy PG3; or to the Council’s Birmingham Design Guide Principles Supplementary Planning Document (2022), which together amongst other things, seek to protect local character.

Conditions

22. 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

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

N McGurk

INSPECTOR