
Appeal Decision

Site visit made on 7 October 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/P4605/Z/24/3343738

178 Alcester Road, Moseley, Birmingham B13 8HJ

- 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 Ms Anna McAree c/o Build Hollywood Ltd against the decision of Birmingham City Council.
 - The application Ref is 2024/01169/PA.
 - The advertisement proposed is for a wall-mounted timber poster billboard (non-illuminated) measuring 6 x 3 metres (Standard 48 sheet size).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Moseley Conservation Area. I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
3. The Council has cited conflict with Policy TP12 of the Birmingham Development Plan (2017) (BDP). Whilst I have taken this into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my consideration of this appeal this policy is not, in itself, determinative.
4. At the time of my visit the advertisement had been erected. I have therefore determined the appeal on this basis.

Main Issue

5. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the advertisement on the visual amenity of the area with particular regard to the Moseley Conservation Area (CA).

Reasons

6. Amenity is not defined exhaustively within the Regulations, but relevant factors include the characteristics of the locality including any features of historic, architectural or cultural interest. The Planning Practice Guidance (PPG) advises that in assessing amenity, the local planning authority should

consider whether the advertisement is in scale and in keeping with locally important scenic, historic, architectural or cultural features.

7. The appeal site is the prominent flank elevation of a 19th century terraced property that has a retail frontage facing Alcester Road. Immediately north are other commercial buildings in the CA which are visible along the street. These form part of the historic townscape set around the ancient core of Moseley. The area is commercial in nature; however, large billboard advertisements are not a feature, with signage predominantly limited to small scale shopfront fascia signage, above the shop frontages. The traditional townscape makes a positive contribution to the character of the area and forms part of the CA's significance.
8. Given the 6 metre by 3 metre size of the advertisement and the break in built form opposite it, the advertisement appears highly visible when approaching Moseley village from the south, where it is seen in the foreground of the historic townscape along Alcester Road. Due to its size and position, the advertisement appears as an intrusive and discordant addition, at odds with the historic character of the area and the modest signage seen on surrounding buildings. Although the gable wall where the advertisement is sited may not have any architectural features, this does not alter my findings above.
9. For the reasons given, I conclude that the advertisement has a detrimental impact on visual amenity and the CA. Insofar as it is a material consideration, the advertisement conflicts with the aims of Policy TP12 of the BDP which seeks to protect and enhance the historic environment. It also conflicts with the National Planning Policy Framework where it states that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

10. I note that there are no other advertisements on the gable end of the host building, however an absence of other advertisements does not justify the proposal in the context of the harm identified.
11. I have had regard to the employment and commercial benefits of the appeal scheme. However, as the power to control advertisements under the Regulations can only be exercised in the interests of amenity and public safety these matters do not form part of my consideration.

Conclusion

12. For the reasons given above the appeal should be dismissed.

T Bennett

INSPECTOR