



Appeal Decision

Site visit made on 19 January 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/P4605/Z/24/3352177

Part Ground Floor 40 Floodgate Street, Birmingham B5 5SL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent for the display of an advertisement.
 - The appeal is made by Elonex Signs against the decision of Birmingham City Council.
 - The application Ref 2024/03370/PA.
 - The development proposed is an illuminated digital fascia sign measuring 7.1 metres wide x 1.8 metres high.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application the National Planning Policy Framework (2023) has been superseded by the National Planning Policy Framework (2024) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

4. The site is within a commercial area within the Digbeth, Deritend and Bordesley High Streets Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
5. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
6. In assessing amenity, I have taken into account the advertisements on nearby properties. Advertisements within the area are predominantly discrete in design with many painted onto the buildings, this adds to the character of the area. I observed during my site visit that whilst there are advertisements

which differ from the painted signage within the area, none were comparable to the proposal before me in terms of design and illumination.

7. The advertisement before me would be located on the front of a commercial building. Whilst there is a distinct commercial appearance to the area, due to the scale, illumination and static digital images which would occasionally change the advertisement would be a prominent and intrusive addition to the area.
8. I conclude that the display of the advertisement proposed would be detrimental to the amenity of the area and would be an incongruous addition to the conservation area.
9. I have taken into account Policy TP12 of the Birmingham Plan 2031 (2017) which seeks to ensure that developments conserve heritage assets. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.
10. I find conflict with the Framework which seeks to protect the quality and character of places from poorly sited and designed advertisements.

Conclusion

11. The appeal is dismissed, and express consent is refused for an illuminated digital fascia sign measuring 7.1 metres wide x 1.8 metres high as applied for.

C Pipe

INSPECTOR