



Appeal Decision

Site visit made on 27 November 2024 by S Indermaur

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Appeal Ref: APP/P4605/Z/24/3348596

Land On the Western Side Of Watery Lane, Bordesley, Birmingham B9 4HE

- 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.
 - The appeal is made by Wildstone Estates Limited against the decision of Birmingham City Council.
 - The application Ref is 2024/01245/PA.
 - The development proposed is the erection of a freestanding digital 48 sheet advertisement.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. The regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Main Issue

4. In this instance, there is no indication that the advertisements proposed would result in an adverse effect on public safety, with the Council offering no objections to the advertisement on this ground. On the basis of my observations of the appeal site and its environs, I would agree with this conclusion. However, the Council has raised concerns in respect of the impact on amenity, with particular regard to the visual effect on the area including a nearby locally listed building, and the juxtaposition with an extant planning permission for the redevelopment of the adjacent site.
5. The main issue is therefore the effect of the proposed advertisement on the visual amenity of the area, including the setting of a locally listed building.

Reasons for the Recommendation

6. The appeal site is setback from the road and pavement which faces onto the carriageway. Previously, two 48-sheet paper and paste displays had been displayed in the vicinity of the site for in excess of ten years before their removal in July 2021. The existing area features a mix of land uses with commercial, retail and hospitality uses, as well as a nearby petrol station. I observed there to be existing advertisements located near the site, including a digital display located on the other side of the carriageway. The appeal site is located within the outer city centre and is well lit with streetlights.
7. It was evident that residential properties were not currently located within the immediate vicinity of the site. However, the regeneration of the land to the rear of the location of the proposed advertisement for the part retention and conversion of the Myona Building, demolition of other existing buildings and provision of 546 apartments in a mixed use development across four buildings of between 5, 7, 9, 10, 11, 12, 16 and 37 storeys in height was granted planning permission (*LPA. Ref: 2023/04130/PA*) in May 2024. Whilst no update on the progress of this development has been provided by the parties, it would appear to remain extant and capable of implementation and I am satisfied must therefore be treated as a material consideration.
8. The Myona Building is located close to the site and is identified as a non-designated heritage asset (NDHA). This building is from the 1920s and was an office building and distribution warehouse built as the Bordesley Offices for W.E. Wassell Ltd. The building was designed in the Neo-Georgian style by two prominent architects of the period, and its significance is derived from its historic and architectural interest.
9. The location of the digital advertising screen would occupy a separate location to that of the two advertisements that were previously erected near the site and had been removed. Whilst these advertisements are contended by the appellant to demonstrate a degree of establishment of the principle of advertisement display in the location of the appeal scheme, it is quite evident that the nature of the removed advertisements and the current context of the site and its material considerations have changed significantly.
10. The nature and significance of the impact on the visual amenity of the single large and internally illuminated advertisement would be far greater, with the combination of the size of the advertisement and the nature of the illumination and proposed luminance levels, exacerbating the prominence of the display. I recognise that the display would be located within an area where a variety of existing advertisements are present. However, despite the comparatively oblique angle from the NDHA, I am not persuaded that the position and the relationship would be sufficient to avoid an adverse impact on the historic form of the frontage of the 'Myona Building' or harm to the significance of the NDHA and its setting. Even if the illumination was to be controlled to react to levels of daylight with a limit on night-time levels of illumination and ensuring the static nature of the images, this would be insufficient to mitigate the harmful effect of the advertisement.
11. I agree with the Council that consideration must also be given to the impact of the advertisement on the adjacent land and the planned and approved development. The appellant has made it clear in the submitted application form for the

advertisement that there is an expectation that the display of the advertisement is applied for a period of 5 years. Given the extant nature of the adjoining mixed-use permission, it would be reasonable to expect that the development would come forward within this 5-year time period.

12. I note that the appellant has asserted a confused position with regards to the deliverability of the adjacent approved mixed-use redevelopment, indicating both uncertainties as to its future in the face of conditions having not being discharged, as well as advocating the consented scheme as a clear baseline in respect of assessment of harm to the NDHA. However, with no compelling evidence before me to the contrary, I see no reason to doubt its deliverability. In any event and having regard to the appellant's highlighting of harm to the NDHA that would be caused by the mixed redevelopment, I recognise that during the period prior to the redevelopment of the adjoining land that the advertisement would nevertheless harm the significance of the NDHA as I have concluded.
13. In considering the effect that the redevelopment would have on the character and appearance of the area, the resultant juxtaposition between the advertisement and the adjoining development would appear as an awkward and incongruous visual relationship which would have an adverse effect on the visual amenity of the townscape. The advertisement would be located in close proximity to residential windows on a principal elevation of the redevelopment scheme and would appear as an ad hoc and unplanned feature detracting from the quality of the resultant built environment.
14. For these reasons, I find that the proposed advertisement would result in harm to both the visual amenity of the area, and the historic setting and significance of the NDHA.
15. The advertisement would conflict with the Regulations and national policy, and although not determinative, the proposal would also fail to accord with Policy DM7 of the Birmingham Development Plan Document (2021) which seeks suitably located sited and designed advertisements that have no detrimental impact on amenity, and Policy TP12 of the Birmingham Development Plan (2017) requiring proposals affecting an NDHA or its setting to be determined in accordance with national policy.
16. In addition, the proposal would conflict with City Note SS-4 and SS-6 of the Birmingham Design Guide (2022). Together these guidelines set out that proposals will only be acceptable in commercial areas if it can be demonstrated that it would have no adverse effect on amenity of the local area and not detract from the physical enhancement of the city's environment.

Other Matters

17. The appellant has made reference to a number of other advertisement decisions from both Birmingham and other parts of the country in support of the appeal scheme. However, based on the information provided, it would appear that these examples are located within markedly different contexts given the mixed use regeneration consented adjacent to the appeal site, and do not therefore present as sufficiently similar so as to warrant the necessary justification to allow the advertisement as proposed.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR