
Appeal Decision

Site visit made on 11 July 2025 by F Bradford BA (Hons) MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/P4605/Z/25/3364098

119 Holyhead Road, Birmingham, B21 0HH

- 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 LEDSynergy against the decision of Birmingham City Council.
 - The application reference is 2024/07453/PA.
 - The advertisement proposed is the display of 1no. internally illuminated fascia sign.
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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. A revised plan (4844e) has been presented by the appellant which is indicated to not to be an amendment of the original scheme, but rather an updated plan showing the extent of the proposed development. In the interests of ensuring procedural fairness, I have not considered this plan within the following recommendation but instead have considered the plans that were before the council at the time of their determination.

Main Issue

4. 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.
5. 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. Based on 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 application property and the area.
6. The main issue of the proposal is therefore its effect on visual amenity.

Reasons for the Recommendation

7. The application site is occupied as a dental surgery located within a three-storey parade of shops. The ground floors are used for commercial purposes, while the first and second floors are in residential use.
8. At the first floor of the parade, there is distinctive stone casing and detailing around the windows in the form of arches that are of architectural interest to the frontage. These connect to casing legs falling down to a ledge above the fascia of the shopfronts. This repetitive window feature, which is present on all of the shops within the same row, establishes a strong sense of architectural uniformity across the parade. These features contribute positively to the visual amenity of the appeal building and wider parade, establishing a quality sense of place.
9. The proposal would be located above the existing fascia and would project approximately one third of the way up the window. This location would partially cover the key architectural features and interest of the front of the building which would intrude upon and disrupt the established uniformity that it contributes towards both within the wider parade and at the appeal site itself.
10. The advertisement would appear as an incongruous addition to the parade of shops which would be visually dominant and contribute to a sense of visual clutter. This would be worsened by the attention drawn to it by virtue of its illumination and changes in displayed media. As such, the advertisement would have an adverse effect on the visual amenity of the host building and parade of shops. Whilst illumination levels have not been contested by the Council in principle and though I see no reason to disagree, a secondary effect of illumination is the attraction of attention to the advertisement which would subsequently worsen its effects on visual amenity.
11. For the reasons detailed above the proposed advertisement would have a harmful effect on the amenity of the area. I have taken into account policies PG3 (Place making) of the Birmingham Development Plan and DM7 (Advertisements) of the Development Management in Birmingham Development Plan Document which, among other things, seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

12. The advertisement regulations set out that assessment is made with regard to amenity and public safety. Therefore, the council's assertion that the proposal results in unacceptable living conditions to the occupants of the flat, by way of a loss of outlook and light, cannot be given substantial weight within the mechanism of the regulation nor this recommendation.
13. Whilst I acknowledge the presence of the advertising board within close proximity to the appeal site it is an independently sited standalone board and is at street level. Contrarily, the proposed advertisement would be a fascia style advertisement, sited above a commercial unit within a wider context of other similarly sited signage within the parade. For these reasons, I do not find that the noted advertisement would offer a comparative basis in this instance.

14. I acknowledge the appellant's position that the proposal would not use paper for its advertisement, which would reduce its environmental impact and would be visually more attractive. However, the proposal is for an electronic screen, and the identified harm to amenity does not arise from its materiality. Further, the proposal would not represent the replacement of an existing paper advertisement, but rather the addition of an electronic one. As such, I do not find that the proposal would offer a proportionate environmental benefit over the harm to amenity as found above.
15. I acknowledge the appellant's intentions to increase awareness of the dental surgery and attract more visitors to the High Street. I accept that there may be some limited economic benefit arising in this regard from the advertisement, to include employment during its installation phase and the attraction of customers to shops within the row. However, I do not find that the economic benefits would outweigh the identified harm to amenity.

Conclusion and Recommendation

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

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR