



Appeal Decision

Site visit made on 27 November 2024 by S Indermaur BA (Hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal Ref: APP/P4605/Z/24/3350626

Great Barr Street, c/o Montague Street, Opposite Glover Street, Birmingham, B9 4AY

- 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 2024/02527/PA.
 - The advertisement proposed is the replacement of 1 x existing 48-sheet poster board with a digital advertising screen (D-Poster) and the removal of the other existing 1 x 48-sheet poster board.
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Decision

1. The appeal is allowed, and express consent is granted for the replacement of 1 x existing 48-sheet poster board with a digital advertising screen (D-Poster) and the removal of the other existing 1 x 48-sheet poster board at Great Barr Street, c/o Montague Street, Opposite Glover Street, Birmingham B9 4AY in accordance with the terms of the application Ref: 2024/02527/PA. 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 and the following additional conditions:
 1. In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m^2 .
 2. In the hours of darkness, the advertisement display luminance shall be no greater than the recommended maximum night time luminance value set out in Table 10.4 within the Institution of Lighting Professionals (for a sign within Zone 3) in its Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m^2 .
 3. The advertisement displayed on the media screen shall be a series of static images, which shall not feature any moving images, animation, flashing, scrolling, intermittent, video or full motion images of any kind. There shall be no special effects including sound, smell and smoke during the time that any message is displayed. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

4. Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.

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 advertisements 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 area including on the Warwick Bar Conservation Area (CA).
5. The main issue is therefore the effect of the proposed advertisement on the visual amenity of the area, including to the Warwick Bar CA.

Reasons for the Recommendation

6. The appeal site is located along a busy road and at a junction. Within the immediate vicinity is existing business signage, traffic lights and road signs, a bus stop with poster displays, and streetlights, all of which are consistent with the predominantly commercial character of the area. Nevertheless, to the southeast of the appeal site along Glover Street is a row of semi-detached dwellings. The appeal site benefits from deemed consent for two non-illuminated hoarding signs.
7. The appeal site is located on the edge of the Warwick Bar CA, where Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework also requires that great weight be given to the conservation of designated heritage assets.
8. The Warwick Bar Conservation Area Character Appraisal and Supplementary Planning Policies outlines that 'The area reflects the importance of the canal system in the growth and development of Birmingham's trade and industry from the late eighteenth to the mid-twentieth century and the city's history as a focus of the waterways'. Consequently, the CA derives its significance from its historic and social interest.

9. I note that the appeal site is also located within the setting of the Road bridge over Warwick and Birmingham Canal, which is Grade II listed. The bridge exhibits panelled spandrels to the shallow elliptical arch, roll moulded string course below cast panelled parapet continued in ashlar over brick abutments which is where the listing derives its architectural interest. The listed structure makes a positive contribution to the character and appearance of the CA.
10. The presence of the two existing hoardings has established the appeal site as a location for advertising, and irrespective of the nature of their contribution this forms part of the established character and fabric of the immediate vicinity and area. The proposed removal and replacement of the existing billboards with a single advertisement of the same size as one of the existing hoardings would not in itself be contrary to the established principle of advertisement display on the appeal site.
11. Having regard to the commercial character of this part of the CA, and the existing well-lit environment, the form and scale of the proposal would not appear fundamentally out of keeping with the established character. The Council has raised concerns that the illuminated nature of the proposal would increase the visual prominence, although I observed there to be other external illuminated adverts established within the wider area. Nevertheless, although I have noted the submitted evidence suggesting that the quality of the image would by and large mimic a paper and paste display, I agree that the introduction of illumination would undoubtedly result in an increased prominence to the resultant advertisement. That being said, the impact must be balanced against the overall reduction in the display area and number of advertisements on the site. Taking this into account, on the basis that illumination levels can be controlled by suitable conditions, on balance I conclude that the proposal would not overall be harmful to the visual amenity of the area and would preserve the character and appearance of the CA.
12. Turning to the setting of the listed structure, I note that the set back of the listed structure from the appeal site would by and large prevent it being viewed in the same context together with the advertisement. I am therefore content that the advertisement would preserve the setting of the listed structure.
13. Despite the proposed illumination, the overall reduction in both the number and total scale of advertisements in this location and any associated consequential effect on the CA must be welcomed. I am also satisfied that due to the orientation of the advertisement on the appeal site, there would continue to be only limited visibility from the nearby residential properties.
14. For these reasons, the proposal would not result in harm to the visual amenity of the area or the setting of the listed structure, and would on balance preserve the character and appearance of the CA. Although not determinative, the proposal would comply with Policy TP12 of the Birmingham Development Plan (2017) (DP) which states that proposals for new development affecting a designated heritage assets will be determined in accordance with National Policy. Furthermore, the proposal would not conflict with Design Principle 1 of the Birmingham Design Guide which sets out that proposals should avoid street clutter and where the site or surrounding character area contains heritage assets these must be key considerations in the design response.
15. The Council has also mentioned conflict with Policy PG1 of the DP which relates to overall levels of growth. However, it is evident that this policy addresses matters

which are strategic in nature rather than individual development proposals such as addressed by this appeal, and I have not therefore found it to be of direct relevance in this case.

Other Matter

16. The Council has referred to the proposal as being prejudicial to the redevelopment of the cleared site immediately behind the location of the advertisement. However, even allowing for the general absence of detailed submissions on the specifics or status redevelopment of the site, I am mindful of having been directed to the deemed consent for the existing two non-illuminated hoarding signs. On this basis, even if a reasonable conclusion was reached that the proposed advertisement may be prejudicial to any redevelopment, the existing advertisements would continue to benefit from the deemed consent with the anticipated likelihood that they would remain in situ. I do not therefore find this contention related to redevelopment potential to be a matter upon which any significant weight should be attached.

Conditions

17. The granting of advertisement consent is subject to the 5 standard advertisement conditions. In addition, further conditions are suggested through limitations referenced by the Council in their submission and a suite of suggested conditions adduced by the appellant. These conditions seek to exercise control over maximum luminance during both the daytime and nighttime periods, exercise control over the format of images and special effects and ensure the frequency of images and means of transition are appropriate. I am satisfied that these conditions are reasonable and necessary in the interests of amenity.

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 allowed.

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 allowed, subject to the conditions listed.

Martin Seaton

INSPECTOR