

Appeal Decision

Site visit made on 18 July 2017

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2017

Appeal Ref: APP/Z0116/Z/17/3175985

Land at St John's Lane, Bedminster, Bristol, BS3 5BE

- 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 Insite Poster Properties Ltd against Bristol City Council.
 - The application Ref 17/00532/A, dated 23 January 2017, was refused by notice dated 31 March 2017.
 - The advertisement is the replacement of an existing 48-sheet advertising display with a 48-sheet LED advertising display
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Framework's guidance on advertisement control underlines the fact that the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, the development plan policies referred to have been treated as material considerations.
3. The Council has considered issues relating to public safety, but its objection is based on the alleged harm to amenity, expressed in terms of the advertisement's visual impact on its surroundings and on neighbouring residents.
4. In the appeal statement the appellant says:

Whilst the Councils initial description of the site includes the existing display, there is no substantive indication that it has been a factor in the subsequent assessment. The Council do not dispute that the current illuminated advert is lawful, and this should be the proper starting point of any assessment considering its impact on amenity.
5. However, Regulation 3 (3) of the 2007 Regulations provides that '*in taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.*' Accordingly, contrary to the appellant's assertion, there is no obligation or requirement under the Regulations to have regard to an existing display when issues of amenity are under consideration.

Main issue

6. The main issue is the effect of the proposed advertisement on the amenity of its surroundings and neighbouring local residents.
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Reasons

7. The site lies alongside the busy St John's Lane (B3120) close to its junction with Clinton Road. An externally illuminated hoarding occupies the site, facing the B3120's northbound traffic. The extant hoarding would be removed and replaced by another of the same size, but which would exhibit a digital display. The height of the display would be raised approximately 1.2m above that of the existing.
8. The advertisement would be sited alongside the bricked buttress of a railway bridge, at the foot of a verdant embankment. Another, larger advertisement is affixed to a brick retaining wall on the other side of the road.
9. Dwellings occupy the western frontage of St John's Lane to its junction with Clinton Road. Commercial properties are evident on the opposite side of the road, albeit these are well set back and partly screened and separated from the road by generous landscaping, including several mature trees. This landscaping considerably softens and mellows the appearance of what is otherwise a fairly typical suburban scene.
10. The proposed advertisement, in view of its exposed, elevated position alongside a busy road, would prove conspicuous to pedestrians and motorists. In my view, it would detract from the visual amenity provided by the railway's verdant embankment and would harmfully impact on the visual amenities of its surroundings, particularly taking account of its prominent position.
11. Moreover, the advertisement by reason of its prominence would be perceived as an incongruous feature materially harming the amenity of the residents of the dwellings closest to it, particularly when using their front rooms and when entering or leaving their properties.
12. I note the appellant's offer to reduce the intensity of the digital display and to agree to a condition to switch the advertisement off during the small hours. Whilst these are helpful suggestions they do not overcome the fundamental amenity objection to the proposal.
13. I have considered all other matters raised in the representations, including the views of local residents and the Bristol Civic Society, and the references to the *National Planning Policy Framework*. I have considered the highway objections raised by third parties, but having regard to the comments made by its Highways Department, these are not supported by the Council. There is insufficient evidence to conclude that the replacement advertisement would materially affect highway safety. No other matter raised outweighs the considerations that led me to conclude that the appeal should be dismissed.

G Powys Jones

INSPECTOR