
Appeal Decision

Site visit made on 11 July 2019

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/Z0116/G/18/3209674

Land at Inn on the Green, 2 Filton Road, Bristol BS7 0PA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal is made by Mr Ben Porte of Insite Poster Properties against discontinuance action by Bristol City Council.
 - The Discontinuance Notice is dated 26 June 2018.
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Decision

1. The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and the use of the site for the display of advertisements with deemed consent cease by the end of 8 weeks from the date of this decision.

Procedural Matters

2. Although directed at the whole of the site occupied by the Inn on the Green, the Discontinuance Notice is directed specifically at an internally illuminated 'backlit' 48-sheet advertisement display located immediately to the south of the main building. The location of this free-standing advertisement is clearly shown on the plan attached to the Discontinuance Notice. I note from the Grounds of Appeal that the appellant has picked up on this and has framed his case accordingly. I am therefore satisfied that the Discontinuance Notice is sufficiently clear in this respect.
3. It is suggested in a third-party representation that the advertisement subject to the Discontinuance Notice does not, in fact, have the benefit of deemed consent. In support of that position, the author of that representation has provided photographs which, I accept, do show the south elevation of the building to be plainly visible without the advertisement being in place. The suggestion is that a sign that previously stood in this location was removed in or around January 2016 and that the sign existing at the time of my site visit is a replacement for that original sign erected at some point after May 2016. The author of the representation also refers to documentary evidence that, again, would tend to suggest that the original advertisement was indeed removed in or around 2016.
4. Nevertheless, both the appellant and the City Council maintain that the advertisement subject to the Discontinuance Notice does have the benefit of deemed consent. In these circumstances, whilst the points made in the third-party representation do appear on their face to have some substance, I see no reason to pursue them further at this time.

Main Issue

5. Whether the continued use of the site for the display of advertisements would cause substantial injury to amenity.

Reasons

6. The Inn on the Green is a prominent and attractive building fronting onto Filton Road, a busy thoroughfare leading into and out of the city centre. The elevation of the building facing onto Filton Road is largely two-storey but drops down to single-storey at its southern end.
7. Notwithstanding the presence of some retail and office buildings fronting onto the east side of Filton Road, the area surrounding the appeal site is predominantly residential in character. A number of those commercial properties feature advertisements but these are generally affixed to the building itself and relate solely to the business being undertaken at those premises. Moreover, they are not over-prolific. The cumulative effect of these advertisement is therefore not overly intrusive in the street scene and forms part of the character of the east side of Filton Road.
8. The west side of Filton Road is tree-lined at this point, beyond which are playing fields associated with Horfield Leisure Centre. The presence of these trees with the open space behind softens the overall street scene and creates an attractive setting for the public house, particularly when viewed from the south and east.
9. The appellant indicates that the advertisement display measures 6 metres in width and 3 metres in height, and is elevated some 2 metres above the ground. The City Council does not dispute these figures. The free-standing advertisement display is located at the southern end of the Inn on the Green such that, in views from the south, it obscures the south elevation of that building.
10. By reason of its position, size and elevation above ground level, the advertisement display is visually intrusive in the street scene when viewed from the south. In these views, the advertisement display appears as a discordant feature that significantly harms the setting of the attractive public house building and unacceptably intrudes into the wider the street scene. Similarly, in views from the east, the advertisement is viewed primarily against the backdrop of the line of trees on the opposite side of Filton Road, and also appears intrusive and incongruous in those views. This harm is exacerbated by the free-standing nature of the sign, and the fact that it displays advertisements that are not related to the site on which it stands.
11. In July 2017, an appeal was dismissed against the refusal of Bristol City Council to grant express consent for the replacement of the existing 48-sheet advertising display with a 48-sheet digital display (APP/Z0116/Z/17/3173609). In dismissing that appeal, the Inspector concluded that "the presence of the existing 48-sheet illuminated hoarding¹ is not sufficient reason to perpetuate incongruous signage at this location". On my reading, this is a clear indication that the Inspector in that case considered the existing advertisement display to be incongruous in this location. That finding reinforces my own conclusions in this respect.

¹ In other words, the advertisement now subject to the Discontinuance Notice

Other matters

12. Concerns have been expressed in the third-party representation in terms of public safety, both in relation to the physical condition of the advertisement and highway safety.
13. The Regulations and the National Planning Policy Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. In this context, 'public safety' is defined as including the safety of persons using any highway but not personal injury resulting from signage that is structurally unsound. I am therefore not able to take into account any risk to public safety arising from the physical condition of the advertisement.
14. In terms of highway safety, although located in a prominent position, the advertisement is only visible by drivers and other road users approaching along Filton Road from the south. When approaching from that direction, the sign is clearly visible from some distance away, such that drivers and other road users can comfortably assimilate the information displayed. I therefore see no reason to depart from the position adopted by the City Council in this respect, which considers that the advertisement does not cause substantial harm to public safety.
15. The City Council cites a number of development plan policies in the reasons taking discontinuance action, as set out in the Second Schedule of the Discontinuance Notice. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining this appeal, I have taken account of the policies in the development plan as a material consideration but they have not, in themselves, been decisive.

Conclusion

16. Taking all the above considerations into account, and applying the relevant test set out in the Regulations, I conclude that the continued use of the site for the display of advertisements would cause substantial injury to amenity. I therefore dismiss the appeal and uphold the Discontinuance Notice.

Paul Freer

INSPECTOR