
Appeal Decision

Site visit made on 28 January 2020 by Scott Britnell MSc FdA

Decision by Kenneth Stone BSc(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/P0119/Z/19/3241878

26 High Street, Kingswood, BS15 4AJ

- 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 Clear Channel against the decision of South Gloucestershire Council.
 - The application Ref P19/11315/ADV, dated 20 August 2019, was refused by notice dated 15 October 2019.
 - The advertisement proposed is removal of existing 48 sheet advert and replacement with an upgraded digital poster.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material.

Main Issue

4. The Council do not refer to public safety or aural amenity as a reason for refusing the proposed advertisement. The main issue in this matter therefore is the effect of the proposal on visual amenity.

Reasons for the Recommendation

5. The appeal site is situated on the south side of the A420 High Street, at the junction with Poplar Terrace. The proposed advertisement would be located on the side elevation of an end of terrace building, which currently has a commercial office on the ground floor with residential accommodation above. The A420 is a main route into Bristol, the section upon which the appeal site is located is some distance to the east of the main Kingswood Shopping Centre

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

and is largely residential, although there are other uses nearby. These include the Kingswood Caravan and Camping Centre opposite the site to the north and a car wash on the opposite side of the High Street/Poplar Road junction to the west. Other commercial premises are dotted along this section of High Street, including a Sainsbury's Local to the west, a car dealership, convenience store, accountants office and public house to the east. These all benefit from signage, some of which is illuminated. There is also a freestanding double sided advertisement located adjacent to the appeal site. The proposed advertisement would replace a large, externally illuminated paper and paste format advertisement and would display multiple static advertisements that frequently change. In addition to the proposed digital display, the drawings indicate that a logo box and camera would be installed.

6. The existing advertisement, due to its size, visually dominates the side elevation of the host dwelling and is set close to the front elevation, creating an awkward visual relationship and a discordant appearance. This causes a degree of harm to the visual amenity of the area, including to the host building, which the proposed advertisement would replicate in terms of size and location.
7. While the proposed advertisement would be the same size as the existing, and in the same location, due to its internally illuminated and changing display, it would be a more prominent feature within the streetscene, particularly during the hours of darkness and periods of inclement weather. The nature and form of the display would draw greater attention and thereby increase the perception and effect of the advert, even taking account of the external illumination of the existing display. Although there are a number of commercial premises in the area that also have illuminated signage, none are of the form or scale as the proposed advertisement. The proposal would thus appear to be a dominant and intrusive feature, which would have a harmful effect on the visual amenity of the area. While the existing advertisement appears to have been in place for a number of years, and the appellant states that it benefits from deemed consent, this is not a compelling factor that outweighs the harm I have identified.
8. The appellant states that the proposal would improve the appearance of the advertisement panel on the appeal site, as the existing panel is not regularly maintained. While the proposed advertisement would employ more modern and hard wearing materials, this does not overcome the harm I have identified. Further, the current, irregular maintenance of the site does not justify the unacceptable proposal.
9. While I observed the area to be well served by street lighting, this is to be expected within a built up area and its effects are not comparable to the proposed advertisement. Its presence, therefore, does not justify the proposed advertisement or negate the harm identified.
10. In conclusion, the proposal would have a harmful effect on the visual amenity of the area. There would be conflict with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (Adopted December 2013), Policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted November 2017) and Paragraph 132 of the Framework. These generally seek to protect amenity and so are material in this case. Given that I have found that the proposal would cause harm to amenity, the proposed advertisement conflicts with these policies.

Other Matters

11. The appellant has identified a number of public benefits of the scheme including: upgrade of sites lacking in investment; reduction in vehicle trips for reposting adverts; consolidation and overall reduction in the number of billboards in the network; eradicating the need to print posters and avoiding the associated waste involved in the production process; ability to broadcast emergency messaging; opportunity for more creative real time and locally relevant advertising; opportunity to integrate additional hardware to meet Smart City objectives and that during void periods the proposed display could be used for non-commercial purposes, such as charitable campaigns and public art. However, in accordance with the Framework and Regulations, my consideration of the appeal is confined solely to issues of public safety and amenity. Consequently, I am unable to take wider issues into account.
12. I have considered the conditions proposed by the appellant in this case that they consider would make the proposal acceptable, but do not consider that they overcome the harm that has been identified.
13. I also note that the appellant is aggrieved by the way that the Council handled the application. However, that is not a matter before me in this appeal.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR