
Appeal Decision

Site visit made on 21 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: 20th March 2020

Appeal Ref: APP/Z0116/Z/19/3243294

784 Muller Road, Horfield, Bristol BS5 6XA

- 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 Bristol City Council.
 - The application Ref 19/04059/A, dated 20 August 2019, was refused by notice dated 25 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.
4. The appellant refers to the existing advertisement as being externally illuminated². However, I did not observe any obvious means of illumination at my visit. Consequently, I have assessed the appeal on this basis.

Main Issue

5. 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

6. The appeal site is situated on the south side of Muller Road. The proposed advertisement would be located on the side elevation of 784 Muller Road, an

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

² Paragraph 7.3 of the Appellant's Grounds of Appeal, December 2019

end of terrace dwelling within a terrace of five properties. Muller Road is a busy main road with Fishponds Road to the east and a large roundabout to the west that provides access to the M32 motorway. To the north is a large open green space, Eastville Park, which features a section of Grade II listed pennant rubble wall and railings. To the immediate east is a rank of single storey garages, a filling station and a single storey food outlet. The proposed advertisement would replace a large paper and paste format advert and would display multiple static advertisements that change frequently. In addition to the proposed digital display, the drawings indicate that a logo box and camera would be installed.

7. The Planning Practice Guidance confirms that 'Amenity' is not defined exhaustively in the Regulations but goes on to note that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, cultural or similar interest (regulation 3(2)(a)).
8. While the proposed advertisement would be the same size as the existing advertisement, it would, due to its internally illuminated and frequently changing display, be a more prominent feature within the streetscene. Together with its size and location, which contribute to its prominence in the streetscene, this would render the proposed advertisement an incongruous feature and would be harmful to the visual amenity of the area. While I acknowledge that the current advertisement has been in place for a number of years, this is not a compelling factor that outweighs this harm. Further, I do not consider that the proposed advertisement would result in a betterment to the visual amenity of the area, simply by replacing a traditional advertising format with a more modern equivalent.
9. There is a clear distinction between the commercial premises, wherein signage is to be expected, and the residential terrace upon which the proposed advert would be situated. This is due to the gap between the filling station and terrace, which although short, acts as a clear physical divide within the streetscene, separating the commercial premises from the residential properties. Consequently, the proposed advertisement would appear incongruous and visually jarring within the streetscene, relating as it would to the residential section. Although the existing advertisement is likely to have similar effects, these would be exacerbated by the proposed advertisement for the reasons set out above.
10. The appeal site is also located in the vicinity of two heritage assets. The appellant indicates that Eastville Park, which is located across the carriageway to the north, is designated as a Local Historic Park and Garden, while the Council identify it as a non-designated heritage asset. The park is a large green space which contributes positively to the visual amenity of the area. The proposed advertisement would be viewed in the context of the southern boundary of the park and also from vantage points within it, although during the summer months these views may be restricted by the trees within the park. However, these do not impinge upon views afforded at other times of the year when the trees have shed their leaves. Consequently, given its proximity and the inter-visibility between the park and proposed advertisement, in conjunction with the advertisement's prominence within the streetscene, illumination and changing display, the proposal would detract from

the setting of the park, thereby causing harm to its setting and the visual amenity of the area.

11. The proposed advertisement would also be visible in views of the listed walls and railings when viewed from Fishponds Road. The walls and railings are an attractive and historic feature in the area which contribute positively to its visual amenity. The significance of this heritage asset is in its age, form and the articulation of what is likely to have been the historic boundary to the park. The setting of the wall and railings, while informed by the urban landscape, provides a degree of visual spaciousness in which the significance of the asset is appreciated.
12. Although the appellant suggests that views between the heritage asset and the proposal would be restricted by the presence of trees, I observed there to be vantage points where inter-visibility between the listed wall and railings and the proposed advertisement could be obtained without interruption. Therefore, despite the distance between the wall and railings and the appeal site, the proposal, due to its prominence in the streetscene, illumination and changing display, would be a prominent and distracting feature that would visually encroach upon the heritage asset's setting. This would detract from and cause harm to the setting of this heritage asset and its significance.
13. In reaching this conclusion, I have considered the presence of the nearby filling station and food outlet, including in the context of the setting of the heritage assets. While they feature a number of advertisements and signage, including some illumination, none are similar in form to the proposal and so are not directly comparable. Further, although I consider that the other signage has a deleterious effect on the setting of the heritage asset, the introduction of the proposed advertisement would, due to its prominence, illumination and changing display contribute further harm. Therefore, the existing signage and advertisements do not justify the unacceptable advertisement proposed.
14. In conclusion, the proposed advertisement, due to its prominence, illumination and changing display would harm the visual amenity of the area, including the setting of the identified heritage assets. I have taken into account Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (Adopted June 2011) and Policies DM29 and DM31 of the Bristol Local Plan Site Allocations and Development Management Policies Local Plan (Adopted July 2014), and Paragraph 132 of the Framework, which 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

15. I have considered the suggested conditions that the appellant has proposed that they consider would make the proposal acceptable, including that the display be switched off between the hours of 0000 hrs and 0600 hrs. However, none of these conditions, singularly or collectively, overcome the harm that I have identified.
16. The appellant states that advertisements of the size proposed are not uncommon, and that they are evident throughout the UK with many located and approved in Bristol. While acknowledging that advertisements of many forms and sizes are displayed across the country, I am mindful that each case

will have its own specific context and must be considered on its own merits. Moreover, in the absence of any examples forwarded by the appellant, I afford this argument very limited weight and do not consider that it justifies the unacceptable advertisement proposed in this case.

17. The appellant has also identified a number of public benefits of the scheme. These include: 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. It is also suggested that the proposed advertisement would increase revenue potential and thus business rates to the Council. 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.
18. I also note that the appellant is aggrieved with the way that the application was handled by the Council. However, that is not a matter for me to consider under this appeal and I have assessed the proposal on its merits.

Conclusion and Recommendation

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

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

20. 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