



Appeal Decision

Site visit made on 6 June 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/Z0116/Z/22/3307698

Dainton Self Storage, New Gatton Road, St Werbughs, Bristol City, Bristol BS2 9SH

- 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 Town & Country Advertising Limited against the decision of Bristol City Council.
 - The application Ref 22/01909/A, dated 14 April 2022, was refused by notice dated 3 August 2022.
 - The advertisement proposed is described as "Display of 1 no signboard".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, whilst I have referred to some of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

4. The appeal site is in a mixed use area, with commercial uses immediately adjoining and residential uses to the north-west and south-west. The site is accessed from New Gatton Road which is located above the M32, which lies to the south of the appeal site. On the opposite side of the M32, facing the appeal site, is a residential area, with properties on Fox Road facing towards the site. The area of land for the proposal is an area of grassland, located behind palisade fencing, that sits in an elevated position above New Gatton Road. During my site visit I noted that there appeared to be no other large, illuminated advertisements in the area.
5. The proposal would involve a large, internally illuminated advertisement located in a prominent position, to the front of the storage units within the host site and located on higher ground above the adjoining road and the M32. Views

of the proposed advertisement would be available from New Gatton Road, the M32 and Fox Road, opposite the appeal site. Given the stated dimensions, and its location above a steel support structure, it would be elevated to a height of approximately 6 metres.

6. Whilst on site I noted that there are several advertisements nearby, however these are mainly located on commercial buildings or adjacent to the commercial uses that they advertise and are much smaller in scale. Additionally, none of these nearby advertisements appeared to internally illuminated. Instead, the introduction of a large and illuminated display with changing displays would be at odds with the muted character of the mixed use area, adversely affecting the visual amenity of the area.
7. I accept that the site adjoins a commercial site and that the Planning Practice Guidance (PPG) indicates that, where it would not adversely affect the visual amenity of the area, advertisements may be better suited to commercial areas. However, in light of my findings I conclude that the proposal would by reason of its location, height, size and illumination, adversely affect the visual amenity of the site. As such, notwithstanding the adjacent commercial uses, the proposal would not be an example of the type of advertisement considered to be acceptable in such locations in the PPG.
8. Instead, the proposal would have a harmful effect on the amenity of the area contrary to policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and policies DM26, DM28 and DM29 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP) which seeks to protect the visual amenity and character of an area. The proposal is also contrary to paragraph 132 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public Safety

9. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
10. The advertisement would be located in an elevated position above the M32. From my site visit the proposed advertisement would be visible when travelling along the M32. At this point traffic travelling south-west would have a view of the advertisement above the motorway wall. I observed during my visit that this was a busy road where there is a junction off the motorway for the A4320 and A4. As a principal road through the area, it is likely to remain busy throughout the day and into the evening.
11. The proposed advertisement would be particularly visible to south-westbound traffic and owing to its scale and method of illumination would provide an unduly vivid and prominent visual feature that would attract the attention of motorists on the approach to the junction. This would result in a distracting feature at a point at which drivers have to interpret traffic signals, make decisions about their direction of travel and accommodate other motorists leaving the junction.

12. In arriving at this view, I have given careful consideration to the submissions made by local residents and the appellant's submission. I have had regard to the comments made by National Highways, that they consider the proposal to be acceptable, however, based on my visit to the site and surrounding roads, the elevated, illuminated and changing display of the proposed advertisement in a location which would require the full attention of drivers, the proposed advertisement would draw the eye and distract drivers. I have had regard to the comments made regarding a lack of accidents. Nonetheless, the lack of recorded accidents is not a persuasive justification to increase the risk of an accident occurring in the future.
13. Taking the above points together, I find that the proposal would be a highly prominent feature that would be distracting to users of the adjacent highway and would therefore have a detrimental effect on public safety contrary to CS policy BCS10 and SADMP policy DM23. This would also be contrary to the provisions of the Framework which seek to control advertisements in the interest of public safety

Conclusion

14. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of and public safety. Therefore, the appeal should be dismissed.

Tamsin Law

INSPECTOR