



Appeal Decision

Site visit made on 14 September 2023

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/Z0116/Z/23/3316847

The Vincent, Redland Hill, Redland, Bristol BS6 6BJ

- 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 Lifestory against the decision of Bristol City Council.
 - The application Ref 22/04436/A, dated 12 September 2022, was refused by notice dated 3 January 2023.
 - The advertisement is described as "Proposed retention of 2no. signs".
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Decision

1. The appeal is allowed and express consent is granted for the display of the 2no. signs as applied for. The consent is for 2 years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The express consent hereby granted shall be for a period of 2 years from the date of this decision.
 - 2) The advertisements hereby granted consent shall be removed at the end of the period specified in Condition 1 or within one calendar month of the completion of the sale or first letting of the last residential unit within the adjacent development known as 'The Vincent', whichever is the sooner.
 - 3) The advertisements hereby granted consent shall not be internally or externally illuminated at any time.

Preliminary Matters

2. The appeal advertisements were in place at the time of my site visit and accord with the drawings before me. I have considered the appeal on that basis.
3. The Government published on 5 September 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The control of advertisements is exercisable only with respect to public safety and amenity. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

5. In this case neither the Council nor any other party has raised any objection to the appeal advertisements in relation to public safety. From the evidence before me, and my observations on site, I see no reason to disagree.

Main Issue

6. The main issue is therefore the effect of the proposal on amenity.

Reasons

7. The Whiteladies Road conservation area (CA) is generally characterised by residential streets arranged around Whiteladies Road, a busy commercial street. The CA derives considerable significance from the architecture and detailing of the villas and terraces in the area, with use of local stone, boundary walls, trees and vegetation contributing to the special character of the area. Whiteladies Road and Redland Road are both main routes into and out of Bristol city centre, and the activity and vehicles associated with them create a busy character in these areas. The appeal site is in an area of large scale buildings, many of which are in commercial use, close to a large roundabout.
8. The Vincent comprises a refurbished historic building, Queen Victoria House, and new build development providing independent living accommodation. The development appeared to be largely complete at the time of my visit. Stone walls of varying height around the site boundary are characteristic of the area, and the trees and hedges behind them contribute to the greenery along Redland Road. These features of the appeal site therefore make a positive contribution to the character and appearance of the CA.
9. The advertisements are large and clearly visible from parts of Redland Road. Although set behind the low boundary wall, their size and siting mean that they are a prominent feature on this side of the road. They also create a sense of enclosure along this part of the boundary, restricting views into the site. They do not however significantly affect views towards the historic building which is a key feature of this part of the CA, which can be easily seen through the access. The materials are slightly degraded due to their age and are not complementary to the traditional materials of the site and surrounds. Accordingly, they result in some harm to the character and appearance of the area and this part of the CA.
10. The advertisements are however obviously temporary in construction and nature. Evergreen vegetation has also grown around them during the time they have been in place. The height and density of this vegetation has increased significantly compared to the images provided with the original application and in itself restricts views into the site. It also means that the advertisements are only publicly visible from a very limited stretch of Redland Road alongside the site. I recognise that the planting might be cut back and maintained, however there is no substantive evidence before me that it would be so reduced as to expose the signage to wider public view in the relatively short timescale for which consent is sought. Accordingly, the advertisements have very little impact on the wider street scene and are not seen in longer distance views.
11. Furthermore, the Spire hospital is directly opposite the appeal site and has various signs around the entrance, some of which are illuminated. They are considerably smaller than the appeal advertisements, however they do give

something of a commercial character to this part of Redland Road, which is a busy main route. In this context, the appeal advertisements do not appear wholly out of place.

12. I recognise that the appearance of the site will have changed since these advertisements and several others were initially consented, as the site then was under construction. However, for the reasons set out above, the advertisements currently result in very limited harm to the visual amenity of the immediate area, and minimal harm to the character and appearance of the CA as a whole.
13. A previous officer report submitted with this appeal refers to a Grade II listed obelisk in the gardens of Queen Victoria House. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 (as amended) is also cited in the Council's reason for refusal for the appeal scheme. This section relates to a grant of planning permission however, not to advertisement consent, so is not directly relevant here. Nevertheless, the contribution of a listed building to amenity is a material consideration.
14. There is no substantive evidence before me that the advertisements are visible from, or seen together with, this listed building. Consequently, it has not been demonstrated that they impact on its setting or special interest, and I find no amenity harm in this respect.
15. Consent is sought for a period of 2 years. While I saw external lighting fixtures in place on site, there is no mention of illumination on the application form or on the drawings before me. Illumination could be prohibited by condition, to which the appellant is agreeable. These factors would reduce the amenity harm that would result from the continued display of the advertisements.
16. The appellant states that the advertisements are required as there are empty units in the development, which the displays publicise. It is therefore possible that the advertisements could be removed before the 2-year period had expired, if the units were all sold or let before then. This could be secured by condition to ensure that the advertisements were removed at the earliest opportunity.
17. These conditions would minimise and substantially mitigate the visual impact of the advertisements such that, overall, the character and appearance of the CA as a whole would be preserved and the advertisements would not harm the amenity of the area.
18. It has been suggested that consideration should be given to another form of advertising and that such signage is unnecessary, particularly now that online property advertisement is so common. The Planning Practice Guidance is however clear that unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because it is considered that the advertisement is unnecessary. Therefore, the existence of alternative means to advertise the vacant properties does not justify refusing consent.
19. I have taken into account Policy DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (SADMP) insofar as it relates to advertisements, and to Policy DM30 of the same document, which refers to Policy DM29 where signage is proposed. Given that I have concluded that the

temporary advertisements would not harm amenity, they do not conflict with these policies.

20. I have also had regard to Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) and Policy DM31 of the SADMP, however these relate to development. Advertisements are not development in planning terms, therefore these policies are not directly relevant to the appeal scheme. However, as I have found that the temporary advertisements would safeguard heritage assets, there would be no conflict with these policies.

Conditions

21. In addition to the five standard conditions, as set out above conditions are necessary to limit the duration of consent and prevent illumination, to safeguard the amenity of the area.

Conclusion

22. For the reasons above, subject to the listed conditions the advertisements would not harm the amenity of the area. The appeal is therefore allowed on that basis.

L McKay MA MRTPI

INSPECTOR