



Appeal Decision

Site visit made on 3 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/V1260/Z/23/3335758

Branksome Chine Café, Pinecliff Road, Poole, BH13 6LP

- 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 Mr Luke Davies - Rockwood against the decision of BCP Council.
 - The application Ref. APP/23/00036/A, dated 10 January 2023, was refused by notice dated 8 November 2023.
 - The advertisement proposed is new signage to replace existing.
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Decision

1. The appeal is allowed and express consent is granted for new signage to replace existing as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 to the 2007 Regulations and also to the following additional condition:
 - 1) The intensity of the illumination of the signs permitted by this consent shall be no greater than 150 cd/m², and the lettering to the signs shall remain internally illuminated and not include any intermittent light source.

Preliminary Matters

2. I have adopted the description of the advertisements as set out in the application form.
3. Since the application was refused a new version of the National Planning Policy Framework (Framework) was issued in December 2023. However, the policies in relation to heritage assets and advertisements remain unchanged, albeit some of the paragraph numbering has changed.
4. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement appeals, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 does allow the provisions of the development plan to be taken into account if they are material. The Council have drawn my attention to policy PP30 of the Poole Local Plan (November 2018) (PLP). This policy relates to heritage assets with part (iv) seeking to ensure that new signs and adverts reflect the historic nature of the area.
5. The Council have also referred to the Shopfronts and Shop Signs Supplementary Planning Guidance (1998) (Shop Signs SPG), but have not indicated with parts of the guidance they consider relevant. Even so, I have

had regard to the advice in the Shop Signs SPG where relevant to the issues raised by this appeal.

6. Paragraph 141 of the Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have not raised any objection to the proposed sign on public safety grounds. In relation to amenity, paragraph 079 of the Planning Practice Guidance (PPG) chapter on advertisements (updated July 2019) states that this usually means the effect on visual and aural amenity. Whilst the Council's decision notice contains two reasons for refusal, there is considerable overlap between the two objections raised in that they relate to the effect on visual amenity and in relation to the alleged harm to designated and non-designated heritage assets. I have, therefore, considered these objections under one heading.
7. The alleged heritage implications arise from the location of the appeal site within the Branksome Park & Chine Gardens Conservation Area (CA) and the designation of the appeal property as a Non-Designated Heritage Asset (NDHA). In relation to the CA, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (section 72(1)) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. A similar approach is set out in policy PP30 of the PLP and in the Framework.
8. The statutory duty under section 72(1) applies in advertisement appeals in so far as it relates to the consideration of 'amenity'. In such cases, the question of less than substantial harm or substantial harm, set out in paragraphs 205 – 209 (inclusive) of the Framework, is not relevant, as the policy only applies to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990. I have determined the appeal on the above basis.

Main Issue

9. The main issue is the effect of the proposed replacement signage on amenity with particular regard to the appeal property's designation as an NDHA and location within the Conservation Area.

Reasons

10. The appeal site comprises a large detached part single and part two storey former municipal building located on the seafront that is now used as a bar and restaurant, currently trading under the name of 'Rockwater'. The description of the host property on the List of Local Heritage Assets is brief, but the evidence before me clearly indicates that the building has, over the years, been subject to substantial renovation and extension. The latter includes a modern two storey extension, on the south elevation facing the beach, approved in December 2022 and now built. The front (northern) elevation of the building retains a large number of its original features, detailing and materials, albeit the modern extension to the beach elevation is very visible on this frontage. The frontage to the building is also dominated visually by a large car park, which extends in front of and to the west and east of the host building.
11. The adverts comprise five signs, three on either side of and on the beach elevation to the modern extension and two on the front elevation. All five signs

are already in place and express consent is, therefore, sought retrospectively for their retention.

12. The three signs on the modern extension all comprise individual metal letters, spelling 'Rockwater', affixed to an aluminium fascia with a bronze finish. The letters are internally illuminated. On the beach elevation, the sign is located centrally over the main entrance to the restaurant/bar. The signs on each side elevation are located at a similar height to that on the beach elevation and are largely visible when approaching the host building, in either direction, on the wide promenade that runs along the foreshore.
13. The materials, design, colour and size of all three signs complement and reflect the pallet of materials used to construct the modern extension. The signs are modest in size, well sited on the elevations in question and represent a high quality design that integrates well with the modern extension and are not out of keeping or harmful to visual amenities.
14. At night time, I am satisfied that the proposed level of illumination of all three signs is appropriate and blends into the background, particularly when viewed in the context of the internal lighting to the restaurant/bar which is prominent due to the large areas of glazing found on the ground and first floors of the modern extension.
15. On the front elevation, the host building has a central two storey element with, on either end, a flat roofed single storey element, above which the two storey modern extension, although set back from the front parapet to the single storey elements, is highly visible. The two signs are sited at either end of the host building, close to the parapet of the single storey flat roofed elements. Both signs comprise individual letters of Rim & Rosey Gold rimex with opal faces, again spelling 'Rockwater', that are internally illuminated and affixed directly to the main wall of the building. No signage is proposed on the central two storey element of the host building.
16. Both of these signs are, in my view, of a high quality design, with their size, colour and materials appropriate and proportionate to this front elevation, which is of considerable size in terms of its length and height. The signs are sensitively located at the eastern and western ends of this elevation and do not result in any clutter and neither do they obscure or impact on any of the original features of the building that contribute to its status as a NDHA. Whilst both signs are illuminated and visible at night, the level of internal illumination is modest and is relatively low key when viewed against the foreground of the extensive street lighting to Pinecliff Road. Also, when viewed in the context of the spotlighting that runs along the length of the front elevation to the host.
17. As such, I am satisfied, based on the evidence before me and my observations on site, that the retention of all the proposed signs is acceptable and will not result in any adverse effect on the visual amenities of the surrounding area or to the host building. In this respect, I disagree with the Council and consider that the signage does not result in any harm to the NDHA or to the CA. These findings are supported by the fact that the new signs replace previous signs that were in a similar location and also comprised internally illuminated letters. Various images of this previous signage is included in the evidence and based on these, the proposed signage is, in my view, of a much higher quality and includes materials and colours that are more sympathetic to the host building and its modern extension. I also note from these images that some 'banner'

type non-illuminated signage also appears to have previously been displayed on the front elevation, which has now been removed thus reducing clutter.

18. In reaching the above findings I have taken into account Code 11 of the Branksome Park Conservation Area Character Appraisal & Management Plan Supplementary Planning Guidance (December 2006) (BPCA). Although the latter does not cover Chine Gardens and the appeal site, as these were added in a later extension to the CA, for the reasons given above, even if it did apply the retention of the proposed signs accords with Code 11, which requires new signs to complement the building in question and its setting without adversely affecting the amenity of the site or the surrounding Conservation Area.
19. In relation to the Shop Signs SPG, this advises that where there is no shop fascia that individual lettering might be appropriate applied directly to the wall. Also, that internal illumination can be appropriate where it can be shown that the character or appearance of the Conservation Area would be preserved or enhanced. For the reasons given above and based on my observations on site, I am satisfied that the retention of the proposed signs is acceptable and that they would preserve the character and appearance of the host property as a NDHA and the CA, as a whole, in that they would leave both unharmed.
20. Accordingly, I find that the retention of the proposed signs will not cause any harm to the CA or NDHA and do not, by virtue of their colour, materials, design and illumination, appear unsympathetic nor do they adversely affect the visual amenities of the host building or the surrounding area. Given that I have concluded that the retention of the five signs does not result in any harm, it follows that the appeal proposal does not conflict with, policy PP30 of the PLP, the guidance within the Shop Signs SPG, Code 11 of the BPCA or the corresponding policies of the Framework and PPG.

Conditions

21. In response to question 13 of part 3 to the Appeal Questionnaire the Council suggested, other than the five standard conditions set out in Schedule 2 to the 2007 Regulations, that additional conditions be imposed. A condition requiring compliance with the submitted plans is not necessary as the decision grants express consent, and not planning permission. A plans conditions is meant to facilitate applications under section 73 for minor material amendments and so is not relevant when granting express consent for the display of an advertisement. I have, however, attached a condition to control the level and source of illumination, but adopted a more standard wording, to reflect the details included in the application and in the interests of amenity including the character and appearance of the NDHA and CA.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR