



Appeal Decisions

Site visit made on 8 February 2024

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal A Ref: APP/V1260/W/23/3320210

Pavement opposite 1 Gervis Place, Bournemouth BH1 2AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens, JC Decaux UK Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-18550-PT, dated 23 December 2022, was refused by notice dated 2 March 2023.
 - The development proposed is described as the replacement of an existing advertised call box with a communication hub unit with defibrillator.
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Appeal B Ref: APP/V1260/W/23/3320212

Pavement opposite 1 Gervis Place, Bournemouth BH1 2AL

- 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 Martin Stephens, JC Decaux UK Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 7-2023-1593-L, dated 23 December 2022, was refused by notice dated 2 March 2023.
 - The advertisement proposed is a single sided 86" LCD screen display.
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals considered under different, but complementary, legislation, one relating to a communication hub unit and the other relating to an integrated advertisement that would be displayed on one side of it. I have considered each on its own merits, although as they raise similar considerations, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.
3. The Council's decision notices do not specify which listed buildings or conservation area it considers would be affected. However, the Council's Delegated Report clarifies that the development and advertisement would affect the setting of the grade I listed Church of St Peter (the Church) and that of Old Christchurch Road Conservation Area (OCRCA).
4. The Council have further clarified that they consider that the proposals would affect the settings of the grade II listed: Gervis Hall (Hornes), Gervis Place; House of Fraser, 14 -24 Old Christchurch Road; The Arcade, 1-22 Old

Christchurch Road; Nos 1 to 4a Westover Road Including Canopy Over Pavement, Westover Mansions and attached Shops; and, Westover Gardens Hotel and Attached Shops Including Canopy Over Pavement, 5-7 Westover Road and the setting of the grade II registered Upper, Central and Lower Pleasure Gardens, and Coy Pond Gardens (the Pleasure Gardens).

5. The development description refers to the replacement of an existing call box but at the time of my visit there was no structure evident on the site.

Main Issues

6. The main issues raised by Appeal A are the effect the development would have on the character and appearance of the area, including the significance of designated heritage assets, and on the safety, convenience and enjoyment of pedestrians using the footway in which the development would be situated.
7. The main issues raised by Appeal B are the effect the advertisement would have on amenity, with particular regard to the character and appearance of the area including the significance of designated heritage assets, and on public safety, with particular regard to the safety of pedestrians using the footway in which the advertisement would be situated.

Reasons

Significance of designated heritage assets

8. Although the site is not within a designated heritage asset it lies just outside both the OCRCA and the Pleasure Gardens. It lies opposite the cluster of listed buildings at the junction of Gervis Place and Westover Road.
9. The OCRCA's significance includes the network of historic streets and the architectural interest of the buildings that line them. However, it also derives some significance from its setting within the surrounding streets and spaces of the town, including those parts of the Pleasure Gardens which extend to the south west, a context which enables its attractive townscape and historic development to be appreciated and understood.
10. The mid C19 Pleasure Grounds have a location and history that are integral to the development of the town as a seaside resort. They obtain considerable significance from their history, landscape design and mature trees. They also derive a degree of significance from their situation bounded by the built-up parts of the town which it serves, and which to an extent define and act as a foil to its own spaces. As well as main entrances from the Square and the Pier, the configuration of the Lower Gardens also includes entrances from Gervis Place as part of their design and layout giving access to the distinctive Pine Walk, with one such entrance directly opposite the appeal site.
11. The significance of the Church lies largely in its history, age, outstanding architecture by a noted designer, detailing and materials. It also derives some significance from the streetscape within which it is set including its situation relative to the orientation of Gervis Place and the historic buildings which frame its tower and spire in a townscape set piece.
12. The contribution to the retail and leisure development of the resort, attractive commercial architecture and architectural features of Gervis Hall, House of Fraser, The Arcade, Westover Mansions and the Westover Gardens Hotel

contribute to their significance as listed buildings. Part of their significance comes from their setting within the attractive commercial streetscape which includes the frontages of their listed neighbours as well as the generous open aspect around the junction of Gervis Place with Westover Road where they can be appreciated individually and as part of the townscape. The site is consequently in a particularly sensitive location.

Character and appearance

13. The street furniture in the vicinity of the junction is of a relatively low height giving the area beyond the low boundary wall to the Lower Pleasure Gardens an open character and appearance. This low height of existing street furniture, including bins, utility boxes, barriers and cycle stands, only has a limited effect on views of the area and its buildings. Street lights, CCTV masts and traffic lights tend to be slender vertical features, only having a fleeting effect on views and the visual experience of the area. Although these have created a degree of clutter, viewed from all sides the proposed unit and advertisement would appear tall and bulky, with a different and considerably more visually intrusive effect than that of much of the existing street furniture. When viewed end on it would appear more slender but even then the canopy on the phone and defibrillator side would add bulk.
14. The proposed unit and advertisement, due to their height and orientation, would intrude into this open appearance, and harm the character and appearance, and hence the amenity, of the area.

Pleasure Gardens and OCRCA

15. The unit would be situated directly adjacent to one of the entrances to the Lower Pleasure Gardens and would be obvious when leaving the grounds up the bank from the Pine Walk area, and equally so when entering the Gardens from Gervis Place. Given that some of the Pleasure Gardens' significance relies on the relatively open interface between the landscape and the townscape that surrounds it, the development and the advertisement would detract from that setting, and hence its significance.
16. The intrusive situation and appearance of the unit and advertisement, including in hours of darkness when the advertisement would be a prominent feature set against the darker wooded upper slopes of the Pleasure Gardens, would erode the setting of the OCRCA and hence the significance the whole conservation area derives from the open character of Gervis Place and Westover Road and the landscaped Pleasure Gardens beyond.

Listed buildings

17. This harmful effect would also extend to the settings of Gervis Hall, House of Fraser, The Arcade and Westover Mansions. As part of their significance relies on the open character of the streets they front onto, including the Gervis Place elevation of House of Fraser, the unit and advertisement would erode the streetscape and adversely affect how these buildings would be appreciated. This would be particularly when seen from the south side of the road looking towards those buildings where the unit would create a harmfully conspicuous feature in the foreground.
18. The combination of the distance that the Church would be from the site, the orientation of the unit and advertisement, its slightly offset situation relative to

the axis and views up and down Gervis Place, and the cluster of existing signage in front of the tower and spire at the Hinton Road junction would mean that those intrusive effects would not extend to materially erode the setting, and hence, significance of the Church.

19. The distance and relationship between the proposed unit and the Westover Hotel, including the partly intervening Stables Café, would also avoid a materially harmful erosion of that designated heritage asset's setting or significance. The settings of those two listed buildings would be preserved.

Implications on character and appearance, amenity and designated heritage assets

20. Having had special regard to the matter, the development would not preserve the listed buildings' settings, apart from those two mentioned above. The proposal would harm the significance that the listed buildings, the OCRCA and the Pleasure Gardens derive from their settings and therefore the advertisement would harm the amenity of the area.
21. The harm to significance would be less than substantial in the terms of the National Planning Policy Framework (the Framework) which requires such a category of harm to be weighed against public benefits. The defibrillator unit and public information available through the touch screen function would be of benefit. However, the Council point out that there are other similar facilities in the Town Centre. Together these public benefits would be very limited. The harm to the significance of the various designated heritage assets would be limited. Nevertheless, in giving great weight to the conservation of those designated heritage assets, the public benefits would not outweigh the harm.
22. The development would not minimise its impact on visual amenity, contrary to Local Plan¹ Policy 5.11. It would not contribute positively to the appearance of the public realm and would be detrimental to the built environment, amenity, and character of the area, contrary to Core Strategy² (CS) Policies CS18 and CS41. It would not create a high quality street environment, not improve the quality of the pedestrian environment, nor ensure that routes are attractive, contrary to Area Action Plan³ (AAP) Policy D7. The development would not accord with components of the Public Realm Strategy SPD⁴ (PRS) Guiding Principle B of providing visual simplicity, reducing clutter, and ensuring a co-ordinated approach to street furniture.
23. I have also taken those policies and guidance into account in considering the proposed advertisement. Given that I have concluded that the advertisement would harm amenity, that proposal would conflict with those policies and guidance. The Framework notes that the quality and character of places can suffer when advertisements are poorly sited and designed. This would be the case in with this proposal.

Pedestrian convenience and enjoyment, and public safety

24. The section of footway where the unit and advertisement would be sited is close to the AAP's identified 'focus for bus pick up and drop off' on Gervis Place. It would be situated at a node where pedestrians leaving the Lower Pleasure

¹ Bournemouth District Wide Local Plan, 2002.

² Bournemouth Local Plan: Core Strategy, 2012.

³ Bournemouth Local Plan: Town Centre Area Action Plan, 2013.

⁴ Bournemouth Public Realm Strategy, Guiding Principles, - Supplementary Planning Document (SPD), 2013.

Gardens meet those walking alongside the point where Gervis Place and Westover Road converge, with a roadside barrier preventing crossing the road until gaps are reached farther along in either direction. At times when the town and Pleasure Gardens are busy with visitors and shoppers there is the relatively generous and uncluttered area at this point which can limit the potential for congestion on the footway.

25. The proposed unit and advertisement would be set away from the barriers and project into the footway narrowing it close to the low retaining wall of the Lower Gardens. The existing row of cycle racks to one side of the site and grit bin and signpost to the other would mean pedestrians are likely to be swayed away from the barrier at that point. However, the unit would only be partly set within the 'street furniture zone' that these existing features have created and would project further into the footway than those features. Although leaving just under 3m clear, when the footway use is heavy this would create a pinch point at the location where the pedestrian flows meet and this would interfere with the flow of pedestrians, leading to inconvenience and a less enjoyable experience of using the footway at busy times.
26. The appellant has pointed to guidance from London which, although specifying minimum clear zone widths between obstacles, also points out that the width of such clear zones need to relate to the character of the street and volume of pedestrians. The proposed 2.9m gap would reflect the minimum footway width for a low flow of pedestrians but would be much narrower than that recommended for areas with higher flows.
27. Although neither main party has measured or estimated pedestrian flows in the vicinity, based on the location, proximity to bus drop off zone and the Council's reports of use at popular times, it would not appear likely that this location would experience 'low flows' at popular times. Putting aside that the guidance is for a different city, in any event it does not demonstrate that the remaining footway width would be desirable in this location.
28. The proposal would adversely affect the convenience and enjoyment of the footway which would harm the amenity of the area. However, this would be confined to a vehicular traffic free area with a barrier alongside the carriageway, and these adverse effects would not translate into a harm to public safety.
29. As the proposal would not improve connections or links between public spaces nor improve the quality of the pedestrian environment by ensuring that routes are clear, attractive, safe and convenient, the development would not accord with AAP Policy D7. It would not make it easier for pedestrians and disabled people to move around nor respect existing pedestrian routes, contrary to AAP Policies T1 and T2. It would not make it more attractive for, or encourage, walking, contrary to Core Strategy⁵ Policy CS18. Nor would it accord with the PRS's Guiding Principle G with its focus, amongst other matters, on reducing clutter and making streets and spaces free from obstructions.

Other Matter

30. Although the development would include telecommunications provision, there is no indication that the unit would be a source of the type or strength of signals

⁵ Bournemouth Local Plan: Core Strategy, 2012.

that would necessitate a demonstration of ICNIRP⁶ compliance, as acknowledged in the Council's Delegated Report. In the absence of any evidence to the contrary, the absence of such a compliance certificate in this case does not weigh against the development, but is a neutral consideration.

Conclusions

31. For the above reasons, the development would harm the character and appearance of the area, including the significance of designated heritage assets, and the convenience and enjoyment of pedestrians, contrary to the development plan considered as a whole and Council guidance. Appeal A is therefore dismissed. The advertisement would harm amenity, and Appeal B is therefore dismissed.

Geoff Underwood

INSPECTOR

⁶ International Commission on Non-Ionising Radiation Protection (ICNIRP).