



Appeal Decision

Site visit made on 25 June 2024

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/V1260/Z/23/3335211

1, 3 and 5 Lindsay Road, Poole, Dorset, BH13 6AN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr B O'Neill, McCarthy & Stone Retirement Lifestyles Ltd., against the decision of BCP Council.
 - The application Ref is APP/23/01152/A.
 - The advertisement proposed is one stack sign – apartments for sale.
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Decision

1. The appeal is allowed and express consent is granted for the display of one stack sign as applied for. The consent is until 31 July 2024 and is subject to the five standard conditions set out in Schedule 2 of the Regulations and the following condition:
 - 1) The advertisement permitted by this consent and any structure or hoarding erected or used principally for the purpose of displaying the advertisement shall be removed from the site no later than three months from the date of this decision.

Preliminary Matters

2. The application sought consent for the display of the advertisement from 1 October 2023 to 31 July 2024. A previous consent for the display of hoarding signs, V board signs and flags planning Ref APP/18/01612/A expired at the end of December 2020.
3. The appeal site is in the Branksome Park and Chine Gardens Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of “preserving or enhancing the character or appearance” of a conservation area. I have taken account of this statutory duty in so far as it applies to the consideration of amenity in advertisement appeals.
4. Since the proposal was refused a revision to the National Planning Policy Framework (the Framework) was published. Other than altering the paragraph numbers the effect of the revisions in terms of this appeal proposal are materially the same.

Main Issue

5. The main issue is the effect of the advertisement on the character and appearance of the area.

Reasons

6. The 2007 Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. There is no public safety issue which arises from this advertisement. The development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.
7. The CA is characterised by large, wooded plots, with detached buildings set amongst the trees. As explained in the Character Appraisal and Management Plan Supplementary Planning Guidance 2006 (the SPG) the CA is noticeably lower in density than many parts of the town and its spacious sylvan nature creates "*a peaceful residential setting*" and gives "*the impression of an almost rural character and sense of isolation from the rest of the town*".
8. The appeal site has many trees as is typical of nearby properties. It contains a recent development of retirement living apartments set back from the highway amongst many trees. The subject of this appeal is a non-illuminated free standing advertisement, described as a stack sign, close to the highway frontage. The base of the display is about 2.4m above ground level and the display is some 2m by 3m in size.
9. The advertisement was displayed in October 2023 and is highly visible from the highway. At the time of my visit this was the only free standing advertisement visible from Lindsay Road. Due to its size, design and materials it is an alien feature in the sylvan verdant character of the CA. However, when a development takes place, it is usually necessary to have a for sale sign displayed for a limited period. Overall I conclude that the harm to the character and appearance of the CA of the retention of a single advertisement of the size, scale and in the existing position for the period sought, would be relatively small.
10. Trees on the appeal site and adjoining land are protected by a Tree Preservation Order. There is no indication that these have been disturbed by the erection of the advertisement such as to affect the character and appearance of the trees or the area.
11. There is a considerable distance between the position of the sign and the locally listed building, Gablehurst, at No 2 Lindsay Road, which is well set back from the highway. There are also intervening trees and hedges. I therefore consider there would be no harm to the setting in which Gablehurst is appreciated.
12. I conclude that the retention of the advertisement for the temporary period sought would not be harmful to the character and appearance of the CA. Accordingly there would be no conflict with Policy PP30 of the Poole Local Plan 2018, the SPG or the guidance in the Part 16 of the Framework in this respect.

Other Matter

13. As far as the Framework is concerned when determining advertisement consent appeals within a conservation area the question of less than substantial or substantial harm in Part 16 is not relevant, as the policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

14. The Council do not propose conditions other than those set out in Schedule 2 of the 2007 Regulations. However, the period for which consent is sought is much shorter than the five years normally allowed. I consider that, given the effect on the CA, the advertisement should not be displayed for longer than the period sought and that it should be removed after that period ends.

Conclusion

15. For the reasons set out above I conclude the appeal should be allowed.

S Harley

INSPECTOR