
Appeal Decision

Site visit made on 25 March 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2024

Appeal Ref: APP/Z0116/Z/24/3336524

Black Swan PH, 438 Stapleton Road, Easton, Bristol BS5 6NR

- 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 Ms Anna McAree against the decision of Bristol City Council.
 - The application Ref 21/00768/A, dated 11 February 2021, was refused by notice dated 4 December 2023.
 - The advertisement is a wall-mounted poster advertising display (non-illuminated) (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The scheme which was refused consent included two areas of advertisements. The appellant's statement advises that part of the wall has been altered and therefore the area identified as 'a', on a photograph submitted as part of the appeal, has been removed. Therefore, she confirms that this does not form part of the appeal. I have therefore considered the appeal on this basis.
3. The description of development provided in the banner heading above has been taken from the decision notice rather than the application form. This is because it is a more precise description of the appeal scheme. In making this change, I am satisfied that the interests of the main parties have not been compromised.
4. 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 that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.
5. The Council's reason for refusal refers to Policy DM29 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP). However, this policy relates to new buildings. Given the nature of the development before me, I consider that this is not a particularly relevant policy. I have therefore given it very little weight in my decision.

Main Issue

6. The main issue is the effect of the proposed development on the visual amenity of the area, including the setting of the listed building.

Reasons

7. The appeal scheme comprises an advertisement panel on the boundary wall of the carpark of the adjacent statutory listed Black Swan Public House. The appellant's appeal statement indicates that the display measures 8.5 metres in width and 1.6 metres in height. The City Council does not dispute these figures.
8. This part of Stapleton Road is a busy thoroughfare with predominantly commercial uses. The advertisement display is clearly visible when driving or walking along Stapleton Road. Due to its position and elongated length, the advertisement display is a visually intrusive feature. Also, I noted on my site visit that the current display has suffered vandalism, including torn posters and graffiti, giving the display a scruffy appearance. Taking all of this into account, the advertisement significantly harms the amenity of the streetscene, including the setting of the listed public house building.
9. I recognise there is considerable advertising in the area. Nevertheless, just because other advertisements exist, it does not mean that all advertising is acceptable. As I have described, the advertisement display constitutes unacceptable clutter in an already busy (in advertisement terms) area.
10. I acknowledge that the appellant requests a temporary consent for two years whilst the public house undergoes refurbishment. However, the retention of this advertisement display for any period of time would unacceptably harm visual amenity.
11. The advertisement has a harmful effect on the amenity of the area, including the setting of the listed public house. It is therefore contrary to Policy BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) and Policy DM31 of the SADMP. Taken together, these seek to protect the visual amenity and character of an area. The proposal is also contrary to paragraph 141 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

12. I have considered a number of matters submitted by the appellant in support of allowing the appeal.
13. I note that the advertisement display generates revenue for the owners of the Black Swan. Also, the appellant states that the advertisements are 'community boards for local arts and cultural activities' which 'play an important role in the delivery of community messaging and community support'. However, on my site visit I observed advertisements for chocolate products. Notwithstanding, in accordance with the Framework and Regulations, my consideration of the appeal is confined solely to issues of public safety and amenity. Consequently, I am unable to take wider issues into account.

14. The appellant indicates that the public house is derelict and due to be refurbished. She states that the appeal scheme should be viewed in the context of an existing frontage of graffiti and hoardings. Whilst I noted graffiti in the wider area on my site visit, renovation works to the public house seem to have commenced and the front elevation appeared to be clear of graffiti. In any event, this does not alter or outweigh my overall conclusion on the main issue.

Conclusion

15. In conclusion, for the reasons given above, the display of the advertisement is detrimental to the interests of amenity. Consequently, the appeal is dismissed.

Rebecca McAndrew

INSPECTOR