



Appeal Decisions

Site visit made on 16 December 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal A Ref: APP/V1260/W/25/3368432

Funky Griller, 58-61 Westover Road, Bournemouth BH1 2BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Isi Tuivai against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2025-4531-AB.
 - The development proposed is retrospective consent sought for timber pergola and external seating.
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Appeal B Ref: APP/V1260/H/25/3368442

Funky Griller, 58-61 Westover Road, Bournemouth BH1 2BZ

- 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 Isi Tuivai against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is P/25/00851/ADV.
 - The advertisements proposed are 3 Fascia signs on the frontage of building and timber covered area (Drawing reference A,B and C) Flag advert displayed on the roof above the entrance (Drawing reference D) Mobile advert - banner flag (Drawing Reference E).
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Decisions

1. Appeal A Ref: APP/V1260/W/25/3368432, is dismissed.
2. Appeal B Ref: APP/V1260/H/25/3368442, in so far as this relates to the fascia sign on the timber covered area (Signage C); Flag advert displayed on the roof above the entrance (Signage D) and Mobile advert and banner flag (Signage E) as shown on Drawing No.123.1234 is dismissed. That part of Appeal B, which relates to the fascia signs on the frontage of the building (Signage A and Signage B) as applied for and shown on Drawing No.123.1234, is allowed and express consent is granted for their display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matter

3. Both appeals relate to the same site and to each other. I have considered each on its individual merits, but as they raise similar issues and to avoid duplication, I have dealt with them in a single decision letter.

Main Issues

4. Regarding Appeal A, the main issues are the effect of the pergola on the character and appearance of the area, including the setting of the Grade II Listed Royal Bournemouth Hotel and the East Cliff Conservation Area ('CA'); and highway safety.
5. Regarding Appeal B, the main issues are the effect of the proposed advertisements on visual amenity and public safety.

Reasons

Character and appearance

6. The appeal site is a building in Bournemouth Town Centre, in part occupied by a restaurant. This is an end terrace property along Westover Road. As such, the restaurant faces towards both Westover Road and Bath Hill roundabout. The appeal site is also located within the East Cliff CA and is opposite the Royal Bath Hotel, which is a Grade II Listed Building.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires me to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.
8. The National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
9. The East Cliff CA, is characterised by its wide tree lined streets which accommodate predominantly blocks of flats and villas, with more grand and ornate period buildings located near the town centre. Based on my observation, the history, layout and architecture of the area contributes to the significance of the East Cliff CA.
10. Excluding the pergola, the appeal property by virtue of its distinctive mock-Tudor design, represents a notable example of period architecture. It makes a positive contribution to the character and appearance of the East Cliff CA.
11. Royal Bath Hotel was constructed in the late 1830s as a hotel and extended in the 1870s. It has an ornate classical style, with two and three storeys, a varied roofline, and a mix of original and later architectural features such as grand columns, corner pavilions and distinctive slate roofs. The road facing side has an Italianate look with decorative stonework. Various wings, towers and spires added over time give the whole building a rich and varied appearance.
12. Because of its prominent position near Bournemouth's seafront, its elaborate design and its elevated setting, the Royal Bath Hotel stands out as a local landmark and makes an important contribution to the historic character of the area. Its grounds and terraced setting create a distinctive composition that is widely appreciated in views from the surrounding streets and from within the East Cliff CA.
13. The appeal property sits within this wider setting and forms part of the group of buildings that frame and reinforce the hotel's presence. Through its position,

architectural form and contribution to these shared views, the appeal property complements the Royal Bath Hotel and together they make a positive contribution to the street scene and to the character and appearance of the East Cliff CA.

14. By contrast, the structure in question which is referred to as the 'pergola' is a lightweight timber framing with a polycarbonate roof and plastic screening to the openings. This has a markedly temporary and insubstantial form and appearance. Its materials, which are more vulnerable to weathering, as is already evident in the condition of the roof. Consequently, the pergola is a discordant adjunct that sits uncomfortably alongside the more solid and architecturally coherent form of the host building.
15. The pergola's scale, siting and pronounced forward projection obscure parts of the appeal property's façade, disrupting its architectural rhythm and eroding the positive contribution the building would otherwise make to the street scene. Although theoretically reversible, this does not mitigate the harm caused during its presence; heritage policy requires assessment of the impact of the structure as built.
16. The Royal Bath Hotel, although separated from the appeal site by a highway, remains sensitive to changes within its wider setting. National and local policy emphasise that harm can arise not only from physical alteration but also from changes that affect how a listed building is experienced. The pergola's form, materials and visual prominence introduce a discordant element that competes with and detracts from the hotel's landmark qualities.
17. The presence of modern street furniture in the vicinity does not justify further visual intrusion. Additional clutter can intensify the cumulative impact on the setting of the listed building, particularly where such structures increase enclosure or dilute the architectural hierarchy of the area. In this context, the pergola exacerbates visual competition and weakens the ability to appreciate the Royal Bath Hotel's significance.
18. The combined effect of the pergola's siting and form detracts from the form and appearance of the appeal property, and undermines the coherence of the surrounding townscape. In doing so, it also harms the setting of the Royal Bath Hotel and the contribution it makes to the East Cliff CA. As such, the pergola harms the setting of the Royal Bath Hotel and fails to preserve the character and appearance of the East Cliff CA.
19. In my view, and having regard to the Framework, the proposal would cause less than substantial harm to these heritage assets. The Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.
20. There is no substantive evidence before me to demonstrate that the proposal would improve the pedestrian environment or that it would contribute to a safer or more inviting setting in an area which is allegedly affected by antisocial behaviour or enhance visual vibrancy.
21. Nonetheless, the proposal has the potential to support the viability of a local business, contributing to economic activity and aligning with national policy aims for economic growth. Even so, there is nothing before me to indicate that such benefits

could not be achieved by means that avoid harm to the heritage assets. As such, these considerations attract only limited weight.

22. Therefore, even though I have found the harm to be less than substantial, in accordance with the Framework, I am still required to attach great weight to the conservation of designated heritage assets, and in this case that harm outweighs the limited public benefits advanced.
23. The appellant notes that the Council's Conservation Officer did not comment on the application, but there is no statutory requirement for them to do so. I am also aware that a previous temporary permission for a pergola was granted but has since lapsed, and I am not bound by that earlier decision. As the decision-maker, I must reach an independent judgment under the Act, giving special regard to preserving the listed building, its setting, and the conservation area. For the reasons already identified, I am not satisfied that a permanent pergola is justified.
24. For the above reasons, the pergola is contrary to Policies CS7, CS39, CS40 and CS41 of the Bournemouth Local Plan Core Strategy (2012) ('CS') and Policies D4, U7, T2 and T3 of the Town Centre Area Action Plan (2013) ('TCAAP'). Taken together, these policies require development to achieve high-quality design, protect heritage assets and their settings, and maintain an attractive and coherent public realm.

Highway safety

25. The pergola extends onto the pavement, but this area forms part of a wide forecourt. Generous spacing is retained, comfortably exceeding minimum width standards, and pedestrians were able to pass without obstruction. I observed no pinch-points or locations where users were pushed into the carriageway or brought into conflict with cyclists.
26. The pergola does not impede sightlines or visibility at junctions. Westover Road functions as a slow-speed, urban street where vehicle movements are moderated by the proximity of the roundabout and the surrounding built form. On this basis, I am not persuaded that the proposal would distract drivers or materially increase collision risk.
27. While the Council refer to the presence of tables, chairs, A-boards and planters contributing to street clutter, these are typical features of a town-centre environment and are capable of being managed through existing licensing and enforcement powers. If the Council now considers that a highway licence would not be granted, that is a matter for its own regulatory processes. It does not, in itself, demonstrate that the development gives rise to an unacceptable planning impact.
28. Overall, I am unpersuaded that the proposal would result in an unacceptable impact on highway safety or the free flow of pedestrians.
29. As such, I find no conflict with the aims of Policies CS18 and CS41 of the CS, which seek to ensure that development is safe and accessible. Similarly, Policies T2 and T3 of the TCAAP aim to safeguard pedestrian priority, maintain clear and attractive routes, and ensure that new development does not compromise the operation or safety of the town centre's movement network.

Visual amenity

30. As already stated, S72(1) of the Act says that “special attention shall be paid to the desirability of “preserving or enhancing the character or appearance” of a Conservation Area”. This statutory duty applies in advertisement appeals as far as it relates to the consideration of ‘amenity’.
31. Amenity considerations also encompass the broader characteristics of the locality, including features of historic, architectural or cultural interest. As already stated, the appeal property and the Royal Bath Hotel are prominent examples of good quality architecture, contributing positively to the visual quality of the area through both their architectural form, which is supported by simple and limited signage.
32. Although the surrounding area has a commercial character, nearby advertisements are mainly confined to ground floor frontages and are typically small, discreet, and non-illuminated. This restrained signage approach allows the buildings and their architectural features to remain the dominant elements in the street scene. The appeal property contributes positively to this visual coherence and understated character.
33. The proposal seeks consent for five advertisements. These comprise: Fascia signs (Signage A, B and C); feature logo sign installed on the roof of the pergola (Signage D) and a freestanding pavement sign (Signage E). There is nothing in the evidence to suggest that these would be illuminated.
34. Signage A and B are appropriately sited on the ground floor frontages of the appeal property and proportionate to the fascias they are located on and therefore acceptable.
35. However, Signage C and D are mounted on the pergola, which itself projects beyond the established building line of Westover Road and Hinton Road. Although Signage C is relatively small and positioned on the side of the pergola, and Signage D is larger and sited on its roof, both are read in conjunction with the pergola. Together, because of the prominent position and high visibility of the pergola from the Bath Hill roundabout, this associated signage would be unduly intrusive within the street scene.
36. Signage E comprises a flag advertisement mounted on a street advertisement board. Its appreciable height and detached position on the pavement would make it a visually assertive and uncharacteristically strident feature. It would intrude into views towards the Royal Bath Hotel from and along Westover Road, thereby harming the area’s visual amenity.
37. For the above reasons, the proposed advertisement signs, Signage C, D and E, would appear overly prominent and visually discordant, disrupting the coherence and attractiveness of the townscape. Taken together, these elements result in clear harm to the area’s visual amenity, including the East Cliff CA. In accordance with the Regulations, I have also taken into account the provision of the development plan as far as it is material.

Public safety

38. Signage A, B and C are located on the ground-floor frontages or on the side of the pergola, where they remain close to the built forms and within the normal field of view for pedestrians. Their size and positioning mean they would not obstruct pedestrian movement or impede visibility.
39. Signage D, although positioned on the roof of the projecting pergola is static and appears in the context of the appeal property and its elevated position is unlikely to influence drivers using the Bath Hill roundabout.
40. Similarly, Signage E, despite its freestanding position on the pavement, is located so as to maintain an unobstructed pedestrian route along the pavement on either side.
41. For the above reasons, the proposed advertisements would not harm public safety. In accordance with the Regulations, I have also taken into account the provision of the development plan as far as it is material.

Other Matters

42. Concerns regarding the Council's inconsistency in the handling of previous applications at the appeal site, and the alleged lack of engagement during the planning process, are matters for the Council and do not alter my assessment of these appeals.

Conclusion

43. In respect of Appeal A, although the proposal would not harm highway safety, this would harm the character and appearance of the area. While I have taken account of the potential benefits of the proposal, these do not outweigh the harm that I have found arising from the pergola on the character and appearance of the area, including the East Cliff CA and the setting of a listed building.
44. For Appeal B, I have found that although the proposed advertisements would not harm public safety, the fascia sign on the pergola (Signage C); Flag advert displayed on the roof above the entrance (Signage D) and Mobile advert and banner flag (Signage E) would harm visual amenity. However, the fascia signs on the frontage of the building (Signage A and Signage B) are acceptable and should be granted express consent, as set out above. Accordingly, I have issued a split decision in respect of Appeal B.
45. For the above reasons, I conclude that Appeal A should be dismissed and a split decision can be issued for Appeal B.

M Aqbal

INSPECTOR