The Planning Inspectorate

Appeal Decisions

Site visit made on 25 June 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal A: APP/B1740/W/19/3224441
Hythe Post Office, 29 High Street, Hythe SO45 6AG

- 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 Cardtronics UK Ltd trading as Cashzone against the decision of New Forest District Council.
- The application Ref 18/11688, dated 27 November 2018, was refused by notice dated 15 February 2019.
- The development proposed is described as retention of an installed ATM through the High Street shop front corner window as a through glass installation. 5887 ATM fascia with illuminated black and green polycarbonate top and bottom signs with white lettering "free cash withdrawals and balance enquiries" and "cash zone" Illuminated lettering and halo illumination to the polycarbonate signs. Within the ATM fascia is a green acrylic illuminated cashzone sign with white lettering and accepted card logos. A receipts bin has been installed to the right of the ATM.

Appeal B: APP/B1740/H/19/3224444
Hythe Post Office, 29 High Street, Hythe SO45 6AG

- 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 Cardtronics UK Ltd, trading as Cashzone against the decision of New Forest District Council.
- The application Ref 18/11689, dated 27 November 2018, was refused by notice dated 15 February 2019.
- The advertisement proposed is described as retention of an installed ATM through the High Street shop front corner window as a through glass installation. 5887 ATM fascia with illuminated black and green polycarbonate top and bottom signs with white lettering "free cash withdrawals and balance enquiries" and "cash zone" Illuminated lettering and halo illumination to the polycarbonate signs. Within the ATM fascia is a green acrylic illuminated cashzone sign with white lettering and accepted card logos. A receipts bin has been installed to the right of the ATM.

Decisions

1. Appeal A is allowed, and planning permission is granted for an ATM through the High Street shop front corner window as a through glass installation, and a receipts bin to the right of the ATM, at Hythe Post Office, 29 High Street, Hythe SO45 6AG in accordance with the terms of the application, Ref 18/11688, dated 27 November 2018, so far as is relevant to the development hereby permitted.

2. Appeal B is dismissed.

Procedural Matters

3. The descriptions of development in the headings above are taken from the application forms. Both are identical. These descriptions were edited by the Council when it assessed the applications, albeit some details were omitted. Given that the 2 applications relate to planning permission in the case of Appeal A, and advertisement consent in the case of Appeal B, which are separate consent regimes, parts of these descriptions are indeed not relevant in either case.

4. I have therefore determined the 2 appeals, and made my decision above, on the basis of the component parts of the descriptions which correspond to the types of consent sought in each case. This is planning permission for an ATM and receipt bin in the case of Appeal A, and express consent to display 3 illuminated advertisements in the case of Appeal B. I have further omitted the phrases 'retention of an installed' and 'has been installed' from my decision above, as these are not descriptions of development.

5. The development and the display of illuminated advertisements has already taken place. I have therefore assessed their effects, and made my decision on the basis of each as they exist.

Main Issue

6. Consideration of advertisements is limited to matters of amenity and public safety. In this case the Council's concern with regard to both the development and the advertisements is the effect that they have on Hythe Conservation Area (the Conservation Area). Insofar as it directly relates to the consideration of amenity, the main issue in both appeals is therefore whether the development and the advertisements preserve or enhance the character or appearance of the Conservation Area.

Reasons

7. The post office is located within the Conservation Area. The Conservation Area principally covers the historic town centre, and waterfront area of Hythe, and is described by the Council within Hythe: A Conservation Area Appraisal Supplementary Planning Guidance 2004. The significance of the Conservation area lies principally in its historic layout and buildings, within which the High Street holds importance on account of its large collection of historic buildings, including that housing the post office, and status as one of the oldest streets in the settlement.

8. The post office stands at the south-east end of High Street, the principal, historic part of which, is reasonably short and straight, allowing full views along it. It is chiefly characterised by small shops, with varied shop fronts of generally traditional design, whose signage overwhelmingly lacks illumination. I find that the general lack of illuminated advertisements makes an important contribution to the traditional visual character of the historic High Street, and thus it is also a factor which in turn contributes to the significance of the Conservation Area.

9. The shop front of the post office is modern in design, comprising large sheets of glazing. As such it lacks the traditional character of some other shop fronts along High Street, but the main fascia nonetheless lacks illumination, and the

position of the shop front within the street scene means it is not otherwise visually obtrusive.

10. The ATM has been installed through the shop window, and in itself it is modest in size. Viewed within the context provided by the modern shop window, and the recognisably functional context provided by the post office, the ATM appears neither out of place nor incongruous within the streetscene. The receipt bin meanwhile is a minor feature, and not particularly noticeable.

11. Internally illuminated advertisements have additionally been mounted both above and below the ATM, and a further internally illuminated advertisement is mounted on the ATM. The advertisements to the top and bottom of the ATM are each box signs which protrude beyond the plane of the shop window. This provides a somewhat bulky appearance, which is accentuated by protrusion of the ATM itself, and the amount space they occupy within the window. I noted that the advertisements were illuminated during my daytime visit, which, in combination with the bulky appearance of those top and bottom, drew attention to them within the streetscene. It is reasonable to consider therefore that the advertisements become much more apparent at night both in close proximity and from further along High Street.

12. On account of the fact that illuminated advertisements are not characteristic along the historic section of High Street, their presence is clearly at odds with this character. This is appreciable despite the fact that the advertisements are located within a modern shop front at one end of the street. I find therefore that the advertisements detract from the visual character of High Street, and that they are indeed visually intrusive within the streetscene.

13. I acknowledge reference made to ATMs and associated signage installed at Lloyds Bank and HSBC. However, the streets on which these banks are located differ in character to that of High Street, and neither ATM in fact features illuminated advertisements matching those at the post office. As such these examples do not provide a basis to justify the harm caused by the proposal.

14. I find therefore that the advertisements neither preserve nor enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. Having regard to the considerable importance and weight to be given to the statutory objectives of the preservation or enhancement of conservation areas, I find that the minimal public benefit provided by the advertisements in drawing attention to the service provided by the ATM, which is necessarily different to the public benefit provided by the service itself, does not outweigh the harm caused.

15. In relation to Appeal A, I therefore conclude that, for the reasons outlined above, the ATM and receipts bin cause no harm to the Conservation Area. Thus the development complies with Policy CS2 of the New Forest District (outside the National Park) Core Strategy 2009 (the CS) which requires new development to be well designed to respect the character, identity, and context of the area's towns and villages; Policy CS3 of the CS, which requires development proposals to protect and, where possible, enhance sites of recognised importance for heritage conservation; Policy DM1 of the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management 2014 (the DM), which seeks to secure development that conserves and enhances the historic environment and heritage assets;

supporting guidance in Shopfront Design Guide Supplementary Planning Guidance 2001 (the SPG); and the Framework.

16. In relation to Appeal B, I therefore conclude that, for the reasons outlined above, the advertisements have an unacceptably adverse impact upon amenity, which is reflected in their failure to preserve or enhance the character or appearance of the Conservation Area. I have taken into account Policies CS2 and CS3 of the CS, Policy DM1 of the DM and the SPG, whose objectives are outlined above, and so are material in this case. Given that I have concluded that the proposal harms amenity, the proposal in Appeal B conflicts with these policies and guidance.

Other Matters

17. I note the appellant’s criticism of the Council’s handling of the applications, however it is not the purpose of either appeal to consider this matter.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that Appeal A should be allowed, and that Appeal B should be dismissed.

Benjamin Webb

INSPECTOR