



Appeal Decisions

Site visit made on 10 September 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal A Ref: APP/H5960/W/18/3205077

East of 62-64 St John's Hill, London SW11 1AD

- 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 Neil Scoresby of British Telecommunications PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/0455, dated 26 January 2018, was refused by notice dated 20 April 2018.
 - The development proposed is described as 'the removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink'.
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Appeal B Ref: APP/H5960/H/18/3205076

East of 62-64 St John's Hill, London SW11 1AD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/0502, dated 26 January 2018, was refused by notice dated 20 April 2018.
 - The development proposed is described as 'the removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink'.
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Decision

1. Appeal A - The appeal is dismissed.
2. Appeal B - The appeal is dismissed.

Procedural Matters

3. In my heading above, I have taken the description of development from the original application form used for both proposals and the site address from the appeal form as it was missing from the original application form. Appeal A seeks planning permission for the installation of an InLink telecommunications apparatus with digital display panel, which would be mounted on the pavement. Appeal B seeks advertisement consent for the display of 2 illuminated LED digital display screens within the apparatus.

Main Issue

4. The main issue in relation to appeal A is the effect of the proposal on the character and appearance of the area, with particular regard to the significance

of the Clapham Junction Conservation Area and the Grade II* listed Former Gala Bingo Hall, St John's Hill as designated heritage assets.

5. The main issue in relation to appeal B is the effect of the proposal on the amenity of the area.

Reasons

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Character and appearance

6. The proposed development would be located on the western edge of the Clapham Junction Conservation Area (CA). The CA has the railway hub of Clapham Junction at its core and comprises a mix of commercial and residential uses. Its significance derives in part from the quality of the surviving Victorian and Edwardian townscape interspersed with some notable important historic buildings that reflect the evolution of this part of the borough over time.
7. One such notable building is the Grade II* listed former Gala Bingo Hall directly adjacent to the appeal site. This former cinema dates from 1937 and its significance lies not just in the outstanding quality of the interior, but also its brick and render exterior inspired by the Dutch modernist work of the age. Its impressive scale, corner location, architectural style with clean and rounded lines make the building a natural focal point within the street scene, and it therefore, makes a positive contribution towards the historic character and appearance of the CA.
8. 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 am also statutorily¹ required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
9. In addition to the former Gala Bingo Hall, there is evidence of other historic built form close to the appeal site, with the classical style of 54-56 St John's Hill to the north east and predominantly Victorian terraced housing opposite. The section of St John's Hill nearest to the appeal site comprises a relatively wide footway with a limited amount of street furniture, paved with distinctive materials incorporating mature street trees. These factors contribute positively to the character and appearance of the CA and the setting of the Grade II* listed building and which, given that the road is relatively straight at this point, can be seen in longer views towards and from the direction of the railway station.
10. The proposal would comprise a tall, freestanding, structure with 2 x illuminated LED screens of a contemporary design. The height² and width of the apparatus would give it a size and solidity that would emphasise its presence in the street, which when combined with its positioning towards the outer edge of the footway would make it conspicuous in the street scene. In addition, a considerable proportion of the upper part of the structure would be illuminated with sequential, albeit static, images. As a result, it would be unduly prominent

¹ Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² 2.9m x 0.89m

within the street and readily apparent in longer views in both directions along St John's Hill. The broad alignment with the existing street trees would not overcome this harm but rather as the structure would partially block some views of the street trees, would diminish their softening effect.

11. Taking these factors together, the proposal would be a discordant addition to the street scene that would be harmful to the significance of the CA and therefore, would fail to preserve or enhance its character and appearance. In addition, its pronounced presence and proximity would be a visual distraction to the focal point of the listed former Gala Bingo Hall and therefore, harmful to its setting. However, in light of the relatively modest scale of the proposal, the harm to the significance of both designated heritage assets would be less than substantial.
12. The appellants assert that the proposal would not harm the significance of the interior of the listed building nor the features that are principally referred to in the list entry summary. However, the list entry summary is by its nature brief, and is not intended to be an exhaustive description of the historic significance of the listed building. For the reasons already outlined, the proposal would adversely affect the surroundings within which the listed building is experienced, and therefore harmful to its setting.
13. I am referred to the removal of two existing telephone kiosks comprising one payphone opposite 63 St John's Hill about 45m to the north east, and one adjacent to 111 St John's Hill located approximately 160m to the south west of the appeal site. The appellants consider the removal of these would mitigate the impact of the appeal proposal.
14. I accept that the telephone box opposite 63 St John's Hill is sufficiently proximate to the appeal site, such that it would otherwise be seen in views with the InLink structure. Therefore, its removal would to an extent, mitigate the harm caused by the appeal proposal by reducing the level of street clutter nearby. Nevertheless, it is not as tall as the appeal structure and does not contain integral illuminated sequential digital displays. As such, it does not have the same pronounced effect as the appeal proposal would have, and therefore, its removal would not amount to a level of mitigation that would overcome the degree of harm identified.
15. I also acknowledge that the removal of the telephone box adjacent to 111 St John's Hill may lead to the enhancement of the immediate vicinity. However, it is located some considerable distance from the appeal site and would not affect the setting of the former Gala Bingo Hall and moreover, is outside of the CA. As such, any associated improvements would be too remote to address the identified harm to the significance of the designated heritage assets.
16. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would contribute towards the provision of modern communications infrastructure for the public which is generally supported by paragraph 112 of the Framework. Nevertheless, in light of the statutory duties and national policy, great weight³ is given to the harm to the designated heritage assets, particularly so given the

³ Paragraph 193, National Planning Policy Framework

importance of the Grade II* former Gala Bingo Hall, and therefore, the public benefits would not outweigh the harm I have identified.

17. Accordingly, I find that the proposal would result in unacceptable harm to the character and appearance of the area, and furthermore would result in harm to the significance of the CA and setting of the former Gala Bingo Hall as designated heritage assets. Therefore, the proposal would conflict with policy DMS2 of the Wandsworth Local Plan, Development Management Policies Document, March 2016 (DMPD) which primarily seeks to protect the historic environment, as well as the relevant provisions of the Framework.

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Amenity

18. Paragraph 132 of the Framework indicates that advertisements should be subject to control only in the interests of amenity and public safety. The proposed advertisements comprise 2 x illuminated LED screens measuring approximately 1.22m x 0.79m set within the InLink structure.
19. For similar reasons to those already outlined in relation to the consideration of the character and appearance for Appeal A, the siting, size and illumination of proposed advertisements would be unduly prominent in the street scene and would adversely add to visual clutter in the street.
20. As a result, the proposal would fail to preserve or enhance the character and appearance of the CA. The statutory duty referred to above in relation to conservation areas applies in advertisement appeals in so far as it relates to the consideration of amenity. In addition, the advertisements would be harmful to the setting, and therefore the significance of the former Gala Bingo Hall as a designated heritage asset.
21. In accordance with Regulation 3 of the Regulations I have taken into account the conservation objectives of policy DMS2 of the DMPD. As such, it is relevant to the consideration of amenity. Given that I have concluded the proposal would be harmful to the character and appearance of the area and the significance of the CA and Grade II* listed building, the proposal conflicts with this policy.
22. Accordingly, I find that the advertisement would be harmful to the amenity of the area and would be contrary to the provisions of paragraph 132 of the Framework.

Conclusion

23. For the reasons given above, I conclude that both appeals should be dismissed.

Helen O'Connor

Inspector