



Appeal Decisions

Site visit made on 18 November 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal A Ref: APP/L5810/Z/19/3225924

Sainsburys Local, 32-38 The Green, Twickenham, TW2 5AB

- 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 Jeff Freeman, Sainsbury's Supermarkets Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 19/0216/FUL, dated 22 January 2019, was refused by notice dated 4 March 2019.
- The development proposed is described as 'install of a new 6625 TTG (Through The Glass) ATM.'

Appeal B Ref: APP/L5810/Z/19/3233963

Sainsburys Local, 32-38 The Green, Twickenham, TW2 5AB

- 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 Mr Jeff Freeman, Sainsbury's Supermarkets Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/0217/ADV, dated 22 January 2019, was refused by notice dated 4 March 2019.
 - The advertisement is described as the installation of 1375mm x 1000mm x 4mm non-illuminated ATM surround signage. Sign constructed of 4mm thick di-bond. Orange (pantone 144c) solid background with white text.
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Decisions

Appeal A:

1. The appeal is allowed, and planning permission is granted for the install of a new 6625 TTG (Through The Glass) ATM at Sainsburys Local, 32-38 The Green, Twickenham, TW2 5AB in accordance with the terms of the application 19/0216/FUL, dated 22 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, and insofar as it relates to the ATM, ACK-DRW-15944-PROPOSED dated 13/12/18.

Appeal B:

2. The appeal is dismissed.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendations are set out below and to which the Inspector has had regard before deciding the appeals.

Preliminary Matters

4. Both Appeal A and Appeal B are considered together below, as they are intrinsically linked and were considered under the same delegated report by the Council.
5. The appellant has submitted drawing ref: ACK-DRW-15944-PROPOSED Rev B with the appeal. This drawing is dated 25/7/19 and given the date that the appeal applications were determined by the Council it appears that this drawing was not before them at that time. I have considered the revised drawing under the principles established by the Courts in *Wheatcroft*¹. To consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeals on the basis of the drawings considered by the Council.

Main Issues

6. The main issue in Appeal A is the effect of the proposal on the character and appearance of the area including its effect on the host property, adjoining non-designated heritage assets and the Twickenham Green Conservation Area (CA).
7. The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons for Recommendation

8. The appeal site is located within the Twickenham Green Conservation Area (CA) opposite Twickenham Green, a public recreation space. The appeal building is 2-storeys with further accommodation in the roof space. It is taken up by Sainsburys Supermarket on the ground floor. The wide shopfront is traditional in design and appearance, with timber frame and detailing, with stall risers and pilasters. To each side of the property are buildings which are identified as Buildings of Townscape Merit (BTM).

Appeal A

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The guidance contained within the National Planning Policy Framework (the Framework) states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, which includes non-designated heritage assets, such as BTM in this case, and conservation areas. It establishes that great weight should be given to the asset's conservation.
10. The Council's Supplementary Planning Document (SPD) Twickenham Green Conservation Area 9 identifies that the CA is formed around the historic open recreation space of Twickenham Green with a diverse collection of fine

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

buildings surrounding it. The varied facades, roofscape and materials are identified as adding interest to the area. It sets out amongst other matters that the retention and improvement of the quality of shopfronts and advertisements is an opportunity for enhancement.

11. The existing shopfront is of a traditional design and forms an attractive feature in the street scene. The proposed ATM would be located within the existing glazed element directly next to the entrance to the store. It would be located almost flush with the glazing of the shop front and would be of a size such that it would not appear disproportionate to the opening within which it would be located, nor would it be unduly prominent. The decorative elements of the shop front would be retained, including the stall risers, pilasters and timber detailing of the store.
12. Given the above, I conclude that the proposed ATM would be of a high quality design which would respect the character and appearance of the host property. It would sustain the significance of the BTMs as heritage assets and preserve the character and appearance of the Twickenham Green CA. The proposal accords with the aims of Policies LP1, LP3 and LP4 of the London Borough of Richmond Upon Thames Local Plan July 2018 (LP) which collectively require development to be of a high quality design which complements existing shopfront detailing, and conserves, and where possible makes a positive contribution to the historic environment. Although the ATM would not be located on a bank frontage which the SPD Shopfronts advocates, I find that given the conclusion that I have reached, there would be no conflict with the broader aims of the SPD which seek a high standard of sensitive design. Moreover, there would be no conflict with the Framework which, amongst other matters, requires new development to make a positive contribution to local character and distinctiveness, and sustain and enhance the significance of heritage assets.

Appeal B

13. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Planning Practice Guidance states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
14. Advertisements within the locality of the appeal site are sensitively designed and largely restricted to the ground floor of the retail and commercial units, as fascia signs, window signs and projecting signs. In this context an advertisement of the scale proposed and its non-illuminated nature within the shop window of the appeal premises would reflect the character and appearance of the area.
15. However, the proposed dibond material of the sign and its bright colour would introduce an incongruous form of advertisement material into the area which would detract from the otherwise muted and restrained advertisement material upon the appeal premises, and elsewhere in this sensitive location.

16. Accordingly, I conclude that the proposed advertisement would be harmful to the visual amenity of the area, in conflict with the aims of Policies LP1, LP3 and LP4 of the LP which collectively require development to complement existing shopfront detailing, and conserve and where possible make a positive contribution to the historic environment. There would also be conflict with the advice given in the SPD Shopfronts (2010) which requires signage to be well-designed.

Conditions

17. With regards to Appeal A, the Council has not suggested any conditions that it would wish to see imposed in the event that the appeal was allowed. I have however imposed a condition that the development is undertaken as approved for certainty.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis Appeal A is allowed and Appeal B is dismissed.

RC Kirby

INSPECTOR