The Planning Inspectorate

Appeal Decisions

Site visit made on 25 August 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2020

Appeal A: Appeal Ref: APP/Q0505/W/20/3248552
73 Regent Street, Cambridge CB2 1AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs Alix Knapman of Euronet Worldwide against Cambridge City Council.
- The application Ref 19/1142/FUL, is dated 14 August 2019.
- The development proposed was originally described as proposed installation of a Euronet NCR Self Serv 26 ATM through the front elevation shopfront glazed window to the right of the entrance door, left of the curved corner window as a through glass installation. NCR Self Serv ATM fascia with blue surround and an illuminated blue and white ATM fascia sign with blue lettering "ATM" out of a white Background. ATM slim line illuminated projecting sign is to be installed above the shop front fascia above the entrance door with blue lettering "ATM" out of a white background.

Appeal B: Appeal Ref: APP/Q0505/W/20/3248553
73 Regent Street, Cambridge CB2 1AB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by Mrs Alix Knapman of Euronet Worldwide against Cambridge City Council.
- The application Ref 19/1143/ADV is dated 14 August 2019.
- The advertisements proposed are ATM illuminated fascia sign with blue lettering "ATM" out of white background. Fascia Sign Width 0.548mm Fascia Sign Height 0.197mm. Dimension from ground to underside of sign 1.500mm. Maximum height of lettering 6mm. Maximum projection 4mm Static illumination. 100cd/m2.
  ATM illuminated projecting slim line sign Projecting Sign Width 400mm. Projecting Sign Height 400mm Dimension from ground to underside of sign 3250mm. Maximum height of lettering 6mm Maximum projection 400mm Static Illumination. 100 cd/m2.

Decision

1. **Appeal A:** The appeal is dismissed and planning permission for proposed installation of a Euronet NCR Self Serv 26 ATM through the front elevation shopfront glazed window to the right of the entrance door, left of the curved corner window as a through glass installation. NCR Self Serv ATM fascia with blue surround and an illuminated blue and white ATM fascia sign with blue lettering "ATM" out of a white Background. ATM slim line illuminated projecting sign is to be installed above the shop front fascia above the entrance door with blue lettering "ATM" out of a white background is refused.

2. **Appeal B:** The appeal is dismissed and express consent for ATM illuminated fascia sign with blue lettering "ATM"out of white background. Fascia Sign Width 0.548mm Fascia Sign Height 0.197mm. Dimension from ground to underside of sign 1.500mm. Maximum height of lettering 6mm. Maximum projection 4mm Static illumination. 100cd/m2. ATM illuminated projecting slim line sign Projecting Sign Width 400mm. Projecting Sign Height 400mm Dimension from ground to underside of sign 3250mm. Maximum height of lettering 6mm Maximum projection 400mm Static Illumination. 100 cd/m2 is refused.

Application for costs

3. An application for costs was made by Euronet Worldwide against Cambridge City Council. This application is the subject of a separate Decision.

Background and Main Issues

4. The Council did not make a decision within the statutory time limit for either the planning application (Appeal A) or the advertising consent (Appeal B). Neither did they provide an appeal statement or any information relating to the decision they would have made had they been in a position to do so.

5. The Council submitted late evidence relating to representations made on the applications. I am satisfied that these were made in the appropriate timescales and were not submitted with the Council's initial submissions in error. On this basis, the appellant was given an opportunity to comment on the representations. No comments were received.

6. Contrary to the appellant's assertion, the site lies within the Central Conservation Area (CA). 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. This is largely reflected in Paragraph 193 of the National Planning Policy Framework (the Framework). This states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

7. Therefore, notwithstanding the lack of formal comment from the Council, I have a statutory duty to consider the effect of development on the character, appearance and significance of the designated heritage asset. Moreover, the only representation of any note on either appeal was made in relation to the impact on the CA.

8. Having regard to the above, the main issue for Appeal A is whether the development would preserve or enhance the character or appearance of the CA. The main issue for Appeal B is the effect of the advertisement on amenity, having regard to the CA.

9. While I have determined each appeal on its own merits, in the interests of conciseness and understanding, I have largely dealt with the appeals together in my reasoning.

Reasons

10. The appeals relate to the shopfront of a hot food takeaway on a busy city centre high street. No 73 is the end unit of a short row of shops on the ground floor of a four-storey building. Ostensibly, this was built in the 1930s and its

architectural style reflects that of the 'Modernist' period. The proportions of the building, the type and spacing of the windows and the detailing all reflect this style. Although a relatively simple building, it includes a distinctive curve at the end. This is mirrored by the building on the opposite side of the alley. The curved form is reflected in the shop front window, the sweep of which results in an idiosyncratic and fairly attractive feature. This is a positive design feature which provides a degree of visual interest to the street scene.

11. Like many high streets, Regent Street is made up of a wide variety of building types of different styles, ages, heights and uses. From the evidence provided, and my own observations of the area, it is the age and quality of many of the buildings along the street which provide the area with its significance. This is particularly the case in relation to many of the nineteenth century buildings which remain. These, along with areas of open space within the CA, illustrate the apparent historical importance of this road and wider area. The mix of old and more modern development does not undermine this importance and significance; indeed, in the main it is likely to add to it by illustrating the evolution of the built form over time.

12. The Cambridge Historic Core Appraisal document also notes the number of positive building/structures in the vicinity of the site, including Armstrong House directly opposite. Although the site is not highlighted as one of these, in my view, the fact the curve of the façade complements that of its neighbour still makes a positive contribution to the appearance of the area and the overall significance of the CA.

13. Although ATMs are not necessarily unusual features on the high street, this does not mean they are acceptable in all circumstances. In this case the ATM would significantly reduce the area of glazing and interrupt the flow of the window across the frontage and around the curve. It would not complement the proportions or scaling of the window and would disrupt the clear linear lines of the frontage. This would detract considerably from the existing appearance of the shopfront. It would also draw attention from and diminish the curve, which is a key architectural component of the building's design. As a result, it would constitute an unsympathetic addition to the host building and the frontage as a whole.

14. From my observations, there are no similar features in the immediate vicinity of the site. The nearest ATMs I saw were a few minutes walk away, in the more modern frontage of a small Sainsburys superstore and in the façade of public offices. Moreover, while there are clearly a large number of displays in the windows of shops along the length of the street, these are mainly internal and have no physical impact on the building or shop front. Such displays, as well as signage, are generally not internally illuminated. In this context, the ATM would stand out as an unduly intrusive, discordant and incongruous addition to the street scene.

15. Similarly, the associated projecting and illuminated signage would be at odds with the majority of the signage and advertisements along the street. Indeed, the sign for the hot food takeaway is one of only a few with internal illumination. In this regard, it already stands out as a somewhat unsympathetic feature in its own right. As with the ATM itself, the proposed sign would be in a prominent position, would detract from the appearance of the shop front and be out-of-keeping with the prevailing character of the area.

16. Having regard to the statutory duty referred to above, I therefore find that the ATM would not preserve or enhance the character or appearance of the CA. Accordingly, there would be conflict with policies 55, 56, 61 and 64 of the Cambridge Local Plan (CLP)(2018). These seek, amongst other things, to ensure historic shopfronts are retained and alterations respect the character of the building and street scene, that development preserves or enhances heritage assets and responds positively to context. The harm to the significance of the CA would be 'less than substantial'. In this circumstance, paragraph 196 of the Framework requires this harm to be balanced against any public benefits of the proposal. I shall return to this below.

17. Similarly, I find that the associated proposed advertising would have an unacceptable impact on visual amenity. I have taken into account CLP policies 61 and 64 in particular which seek, amongst other things, to ensure advertisements do not have an unacceptable impact on visual amenity and that heritage assets are not harmed. I am satisfied these policies are material to this appeal. Given I have concluded that the proposal would harm visual amenity, there would be conflict with these policies. There would also be conflict with paragraph 132 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters & Planning Balance

18. The appellant's Design and Access statement suggests a need for the ATM to ostensibly replace a facility that had been removed from a former adjacent bank. The facility would therefore provide 24 hour banking facilities. Furthermore, it is suggested it would provide community benefits to customers of the host unit and adjacent retailers. There would clearly be some public benefits associated with the introduction of banking facilities where some may have previously existed and where, as stated above, other ATMs are not in the immediate vicinity.

19. However, there is no substantive evidence which suggests this is a significant problem for the local community or retailers. The street is not completely bereft of cash machines and while having more may increase convenience, I do not consider the need to be critical. The distance to the nearest alternative is not prohibitive. Therefore, while I have given some weight to this, it is insufficient to outweigh the harm I have identified.

20. This evidence suggests that there was a nearby ATM at some point. Nevertheless, there is nothing before me which indicates which building it was associated with or what its effect was on the character of the area. Accordingly, I cannot conclude with any certainty that the appeal proposals are comparable. This does not alter my view that the proposals would be harmful.

21. No other factors in the appellant's evidence amount to public benefits. There would be no harm in relation to such factors as crime prevention, servicing or accessibility. However, a lack of harm is neutral and weighs neither for nor against the development.

22. Although I have not found against the advertisement in terms of highway safety, this does not outweigh my concerns over the its impacts on amenity.

Conclusion

23. Having regard to the above, there are no material considerations that would outweigh the concerns identified above. I therefore find that both appeals should be dismissed, and planning permission and express advertisement consent be refused.

S J Lee

INSPECTOR