



Appeal Decision

Site visit made on 24 November 2020

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal Ref: APP/P5870/Z/20/3258349

Former Matalan Unit, 268 - 270 High Street, Sutton, SM1 1PG

- 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 Lidl GB Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00719, dated 21 May 2020, was refused by notice dated 16 July 2020.
 - The advertisement proposed is 1no. internally-illuminated totem.
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Decision

1. The appeal is allowed and express consent is granted for 1no. internally-illuminated totem as applied for. 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

2. An application for an alternative form of sign on the appeal site is the subject of a separate appeal and Decision¹.

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

4. The former Matalan unit is located near the north end of the High Street in Sutton town centre. The proposed sign would be located between trees in the south-east corner of the store car park to the east of the unit, in a prominent location at the junction of Marshall's Road, Throwley Way, Lewis Road and Rosebery Gardens. Marshall's Road and Throwley Way form part of a one-way traffic system around the pedestrianised High Street, with a mixture of commercial and residential properties. Lewis Road provides access to the store car park and rear access to another commercial property but is predominantly residential, whilst Rosebery Gardens is a residential estate.
5. Although only a snapshot in time, from my observations during my site visit, Marshall's Road and Throwley Way are busy with traffic during the day, including buses. There is existing signage on commercial properties on Marshall's Road and both roads host traffic signage, bus shelters and tall streetlights. There are also several tall lighting columns around and within the store car park. Notwithstanding the proximity of dwellings, the appeal site

¹ APP/P5870/Z/20/3258350

reads primarily as part of the commercial centre due to its relationship to the store building and associated car park. I note that it is within a District Centre, Secondary Shopping Frontage and an Area of Taller Building Potential as identified on the Policies Map of the Sutton Local Plan 2016-2031 (2018) (the Local Plan).

6. The proposed sign would be of acrylic and aluminium, 3 m high, 1.05 m wide and 0.21 m deep and internally illuminated. It would be seen in the context of the open car park and nearby residential properties, including the 2-storey dwellings on Lewis Road and Rosebery Gardens. However, depending on the direction of approach, the proposed sign would also be seen in the context of the former Matalan store with tall apartment blocks beyond, 3 and 4-storey residential properties on Marshall's Road, existing traffic and commercial signage, bus shelters and lighting columns. Although free-standing totem signs are not a characteristic of the area, given its dimensions the proposal would not be harmfully out of scale or incongruous in these contexts.
7. The Planning Practice Guidance explains that factors relevant to visual amenity include features of scenic, historic, architectural and cultural interest. The Sutton Town Centre Conservation Area (the Area) extends the length of the High Street, including the parade of shops on the corner of the High Street and Marshall's Road and the locally listed The Winning Post public house diagonally opposite. As the proposed sign could be seen in views to and from these elements of the Area, it would be within the Area's setting.
8. The significance of the Area as a whole lies principally in the importance of the High Street as historic route and its rich assemblage of commercial architecture. The significance of the parade and public house lie respectively and principally in their associations with Edward Rabbits, a prominent Victorian Sutton developer, and the Rolling Stones. The proposal would not affect the route of the High Street nor interfere with important views to or from the parade or public house. It would therefore not be harmful to the character or appearance of the Area or to the significance of The Winning Post as a non-designated heritage asset.
9. Express consent has been granted for new signage on the former Matalan unit and at the entrance to the store car park. However, as these signs would be a significant distance from the proposed sign, even with these signs the proposal would not result in harmful cluttering of the public realm.
10. I therefore conclude that the proposed sign would not be unacceptably harmful to the visual amenity of the area, as experienced from either the public or private realm. In reaching this decision I have taken into account Policies 28 and 29 of the Local Plan which seek to protect visual quality and amenity and so are material in this case.
11. I have also taken into account Policies 7.4, 7.5 and 7.6 of the London Plan², to which, in combination, the Planning Officer's report and appellant's statement of case refer. These policies require, amongst other things, development to have regard to local character, maintain uncluttered spaces in the public realm, be of a design appropriate to its context and optimise the potential of sites. These too are thus material to this case. Given that I have concluded that the

² The Spatial Development Strategy for London Consolidated With Alterations Since 2011 (2016)

proposal would not harm amenity or lead to visual clutter, the proposal would not conflict with these policies of the Local Plan or the London Plan.

Other Matters

12. The Council contends that the proposed sign is unnecessary as the store is already visible from the highway. However, in accordance with Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 132 of the National Planning Policy Framework (the Framework), I am required to determine this appeal in the interests of amenity and public safety. I accept that the proposal would not be harmful to public safety but there is no indication in the Regulations, the Framework or the Planning Practice Guidance that any other factor can be taken into account. The necessity or otherwise for the sign is therefore not a consideration I can take into account in this appeal.

Conclusion

13. For the reasons given above, and having regard to the other matter raised, the appeal is allowed and express consent is granted. In making this decision, I note that no non-standard conditions have been proposed and I consider that none are necessary.

Martin Small

INSPECTOR