



Appeal Decision

Site Visit made on 7 December 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal A: APP/A5840/Z/20/3256846

Chicken Cottage, 128 Tooley Street, LONDON, SE1 2TU

- 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 Euronet Worldwide against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1094, dated 15 April 2020, was refused by notice dated 10 June 2020.
 - The development proposed is installation of ATM through the front elevation shop front window.
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Appeal B: APP/A5840/Z/20/3256866

Chicken Cottage, 128 Tooley Street, LONDON, SE1 2TU

- 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 Euronet Worldwide against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1095, dated 15 April 2020, was refused by notice dated 10 June 2020.
 - The advertisement proposed is the display a non-illuminated ATM Fascia sign with blue lettering "ATM" out of a white background.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. In the banner headings above I have taken the development descriptions from the Council's refusal notices as these are more succinct in describing the appeal proposals.
4. The application relating to Appeal A and Appeal B relates to the same development site. I deal with both together below.

Main Issues

5. The main issues in these appeals are whether the proposed development preserves or enhances the character or appearance of the Tooley Street Conservation Area, and its effect on visual amenity.

Reasons

6. The appeal site is the ground floor of a traditional four-storey building located within the Tooley Street Conservation Area (TSCA).
7. The TSCA's special qualities are in part derived from the dense arrangement of buildings, along a busy commercial thoroughfare hemmed in by the nearby railway line and River Thames. Many of the frontage buildings within the TSCA are of historical and architectural interest.
8. The appeal building is a late Victorian red brick property. The ground floor is occupied by a fast-food outlet that incorporates a largely glazed modern shopfront with a central entrance. A large sign branding the company name and logo, which according to the Council has not received consent, extends across and partially below the ground floor fascia of the shopfront. Above the ground floor, the appeal building retains much of its original detailing, including the classically designed and symmetrical windows at each floor. The appeal property has a narrow frontage width relative to the wider and taller buildings it adjoins, and its slim profile and modest proportions in this context, together with the original detailing, adds charm to its appearance in the street. Consequently, despite the altered ground floor frontage, the appeal building as a whole, makes a positive contribution to the significance of the TSCA.
9. The neighbouring ground floor frontages are varied in terms of their appearance, although most incorporate glazed shopfronts that allow for views into the commercial uses along the street.
10. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. The Framework states that poorly placed advertisements can have a negative impact on the appearance of the built environment. There are currently internal vinyl signs on part of the shopfront's glazing displaying menus, albeit these are temporary and do not obstruct views into the premises. The ATM installation and signage would obstruct the existing clear view towards the back of the takeaway. Its off-centre position to the left of the entrance would also appear jarring against the coherent arrangement of the upper floor windows. It would wholly alter the simplicity of the existing shopfront and introduce an opaque, cumbersome and visually eye-catching feature into the simple transparent frontage. The result would be a visually cluttered appearance at ground floor level, that would appear discordant and detract from the appeal building's existing shopfront and the historic upper floors. Given that the appeal building makes a positive contribution to the TSCA, the harm caused by the proposal would therefore fail to preserve its character and appearance.
12. Whilst the proposed signage is modest in scale compared to the existing fascia sign, it nevertheless, in combination with the ATM adds to the overall clutter on the shopfront, while in turn harming visual amenity.
13. The harm arising would be localised and would be less than substantial in terms of Paragraph 196 of the Framework, nevertheless it is of considerable

importance and weight. This harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use. I have not been referred to any specific public benefit therefore the harm caused by the proposal is not justified or outweighed, as required by the Framework.

14. The proposals would neither preserve nor enhance the special qualities of the TSCA and would therefore harm the visual amenity of the area. It would be contrary to Policies 3.12, 3.16 and 3.18 of the Southwark Plan, 2007, which require, amongst other things, that proposals enhance the quality of the built environment and preserve or enhance the character or appearance of the Borough's conservation areas. The proposal would also conflict with the provisions of the Framework set out above.

Other Matters

15. The appellant refers to the precedent established by the two ATMs located on the ground floor of the building on the opposite side of the road. However, these are located on a modern building with an expansive façade that in my view is better able to assimilate the ATMs. Therefore, I have given this matter little weight in my assessment of the appeals.
16. The Grade II listed former fire station at 139-141 Tooley Street is located on the opposite side of the road. Given the combined scale of the proposals, the separation distance and the oblique angle between the appeal building and this heritage asset, there will be no harm to its setting.

Conclusion

17. In light of the above reasons, these appeals should be dismissed.

RE Jones

INSPECTOR