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## Appeal Decisions

Site visit made on 13 September 2022

**by Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 October 2022**

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### **Appeal A Ref: APP/B1605/W/21/3289292**

#### **Outside 214 - 216 High Street, Cheltenham GL50 3HF.**

- 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 James Browne, BT Telecommunications Plc against the decision of Cheltenham Borough Council.
  - The application Ref 21/02302/FUL, dated 29 September 2021, was refused by notice dated 29 November 2021.
  - The development proposed is the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk.
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### **Appeal B Ref: APP/B1605/H/21/3289298**

#### **Pavement Outside 214 - 216 High Street, Cheltenham GL50 3HF.**

- 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 James Browne, BT Telecommunications Plc against the decision of Cheltenham Borough Council.
  - The application Ref 21/02302/ADV, dated 29 September 2021, was refused by notice dated 29 November 2021.
  - The advertisement proposed is the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk.
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## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is dismissed.

## **Preliminary Matters**

3. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. In order to avoid repetition, while considering each on its merits, I have dealt with the schemes in a single decision letter.

## **Main Issues**

4. The main issue in respect of appeal A is the effect on the character and appearance of the area, bearing in mind the sites location within the Cheltenham Central Conservation Area, as well as within the setting of 210-216 High Street, a Grade II listed building, and in respect of appeal B the effect on amenity.

## **Reasons (Appeals A and B)**

5. The appeal site lies along High Street, Cheltenham, which is a busy, commercial area within the town. The street is enclosed by predominantly three-storey buildings at this location, with commercial frontages to ground floor. There is a general lack of street furniture, other than lighting columns. However, these are ornately detailed columns, and their slim profile ensures that they are not unsightly features of the townscape. This results in a pleasant and smart appearance to the street.
6. The site lies within the Central Cheltenham Conservation Area (the CA). I observed that the significance of this designated heritage asset lies, in part, in the quality of the townscape at this location, including well established shop frontages. Adjacent to the location are 210-216 High Street, which comprises a Grade II listed building (LB). The significance of the LB derives, in part, from the traditionally proportioned building set above ground floor shopfronts. The setting of this LB is comprised of the busy, commercial area located along High Street. This generally comprises wide pavements, which are predominantly clutter free and this aids the appreciation of the LB from the street.
7. The appeal scheme would introduce a modern, tall and reasonably wide element into the street, where there is currently a distinct sense of spaciousness. As a consequence of these attributes, the Streethub would be visually inharmonious with the attractive streetscene and would appear as a discordant feature. It would be visually distinct from the existing street furniture due to its scale and dimensions. Moreover, it would appear as a large and intrusive feature within the wide pavement at this location. Given its height, it would be an imposing component of the area and thus would appear as an incongruous addition at this location.
8. The Streethub would also include two digital screens that would display advertisements. The displays would depart from the more measured nature of the advertisements which are generally only present on the shopfronts of surrounding properties. While they would display static images and the transition between displays as well as the level of illumination could be controlled, given the character of the advertisements that I observed within the vicinity, the introduction of what would be prominently sited digital advertisements would be overly dominant and alien within the street.
9. Accordingly, in respect of Appeal A, the Streethub would be harmful to the character and appearance of the area, including failing to preserve the character and appearance of the Cheltenham Central Conservation Area and the setting of a listed building. Thus, the scheme conflicts with policies D1 and HE3 of the Cheltenham Plan (2020), as well as policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017). Together, and amongst other things, these seek to ensure that development complements the character of a locality, that signs respect the character of the surrounding area, and that development respects the historic environment.
10. In respect of Appeal B, the scheme would have an unacceptable effect on the amenity of the area. I have taken into account the policies of the development plan so far as they are material, and the scheme would conflict with the policies referred to above in this respect.

11. In identifying the harm above, I find that the proposal would result in less than substantial harm to two designated heritage assets. In accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I have had regard to the public benefits of the proposal. The appellant sets out that the scheme would allow for greater digital communication in the community, support the sustainability of the town centre, include free wi-fi and charging stations, as well as promoting 4G and 5G connectivity. These are all public benefits that would arise from the scheme.
12. However, I am also conscious that the Framework establishes at paragraph 199 that great weight should be given to the conservation of designated heritage assets. In my view therefore, the public benefits are insufficient to outweigh the harm to the significance of the designated heritage assets that I have identified.

### **Other Matters**

13. I note that the scheme would result in the removal of an existing installation at the site. However, the proposed would be a taller and more prominent addition at this location, which would result in significant harm. This matter is therefore insufficient to persuade me of the acceptability of the scheme.

### **Conclusion**

14. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

*Martin Allen*

INSPECTOR