



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

Appeal A Ref: APP/B1605/W/21/3289480

Pavement Outside 103-109 High Street Cheltenham, GL50 1DP.

- 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 21/02308/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 kiosks.
-

Appeal B Ref: APP/B1605/H/21/3289483

Pavement Outside 103-109 High Street, Cheltenham, GL50 1DP.

- 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 21/02308/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 kiosks.
-

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, and in respect of appeal B the effect on amenity.

Reasons (Appeals A and B)

5. The appeal site lies along High Street, Cheltenham, a busy, commercial area within the town. The street is enclosed by three and four-storey buildings at this location, with commercial frontages to ground floor. The street has an attractive appearance, which is enhanced by the presence of trees and generally low street furniture. There are taller lighting columns; however, these are ornately detailed features, and their slim profile ensures that they are not unsightly features of the townscape.
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 and an attractive public realm.
7. The appeal scheme would introduce a modern, tall and broad element into the street. As a result, the Streethub would jar visually 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. At almost 3 metres in height and of a distinctly modern design, 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 prevalent shopfront contained and more measured nature of the advertisements on the 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 intrusive within the street.
9. Accordingly, in respect of Appeal A, the Streethub would be harmful to the character and appearance of the area, including that of the Cheltenham Central Conservation Area. 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. The scheme would also 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 a designated heritage asset. 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 including 4G and 5G small cells. 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 asset that I have identified.

Other Matters

13. I note that the scheme would result in the removal of the two existing installations 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