



Appeal Decision

Site visit made on 6 March 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/P5870/H/21/3286348

Outside Masonic Hall, 9 Grove Road, Sutton

- 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 MS Bella Noakes of British Telecom Plc against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2021/01477, dated 5 July 2021, was refused by notice dated 10 September 2021.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal reference number on the Appeal Form was 'APP/P5870/Z/21/3286348'. However, the 'Z' part refers to CAS appeals and so following a review by the Planning Inspectorate, the reference number has been changed to replace 'Z' with 'H' to show that this is an Advertisement Consent appeal.
3. The appellant's evidence contains numerous references to the appeal site being located within the London Borough of Haringey. Notwithstanding this error, I am satisfied that the appeal site is within the London Borough of Sutton, and I have determined the appeal accordingly.
4. The Council submitted an officer report for a proposal at a nearby site rather than the correct report for the appeal proposal. However, after I drew this matter to their attention, the correct report was submitted and shared with the appellant.
5. The appellant's grounds for appeal statement does not accurately list the Council's reasons for refusal for the proposed advertisements¹. I have considered the reasons for refusal on the Council's Decision Notice in determining this appeal.
6. The application form for the appeal advertisements does not include a recognisable postal address. I have used the address on the Council's decision notice in the banner heading above.
7. From the evidence the proposed advertisements would be displayed on a 'Street Hub' unit, which is said to replace the previous 'InLink' unit that is no

¹ Paragraph 5.1

longer available. I have clarified this matter in the description of the proposed advertisement displays in the banner heading above.

8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In considering the effect on amenity of the proposed advertisements I have had regard to this statutory duty.
9. I note the disagreement between the main parties regarding fees for pre-application advice and that consequently, none was provided in this case. This does not affect my determination of the appeal based on the submitted evidence and my observations on site.

Main Issues

10. The main issues are the effect of the proposed advertisement displays on amenity and safety.

Reasons

11. The appeal site is located on the southern side of Grove Road within the Sutton Town Centre Conservation Area² (STCCA). Grove Road is a broad street on a generally east-west axis, towards the southern end of the STCCA. It is a one-way street from east to west and contains several vehicular lanes within the carriageway, including a bus lane by the appeal site.
12. Grove Road contains broad footpaths on both sides of the carriageway containing trees and lampposts. On the southern side is a telephone kiosk, to the east and covered bus shelters and post-boxes to the west.
13. There are a range of different building sizes and designs along Grove Road, which contain shops, restaurants, assembly space and offices, in the vicinity of appeal site.
14. The appeal advertisements would be displayed on a rectangular-shaped, black coloured Street Hub, which is some 1.3m wide, nearly 3.0m tall and some 0.35m deep. The Street Hub would be positioned in the footpath some 3.1m from the front elevation of the Masonic Hall.
15. The static advertisements would be displayed on LCDs on both sides of the Street Hubs, some 0.85m above the ground. The advertisements would be internally illuminated to 2500cd/m², with a height of some 1.67m and a width of some 0.95m. The displays would face in a generally easterly and westerly direction, roughly parallel to Grove Road.

Amenity

16. The appeal site is located outside the Masonic Hall building, a stone and brick building with a portico and pilaster façade and a smaller scale entrance with an Oeil de Boeuf above the doorway. It is located between two narrow lanes off Grove Road and at the time of my site visit included several signs advertising the premises above the ground floor.
17. The Masonic Hall is a locally listed building, and together with the next door 13-15 Grove Road, 17 Grove Road and 19 Grove Road to the west is identified in the 2019 Sub-Area A character appraisal of the STCCA.

² Formerly known as the Sutton High Street Crossroads Conservation Area as referenced in the evidence.

18. The footpath in front of the Masonic Hall contains concrete flagstones and block pavers, with two telephone kiosks, positioned back-to-back in the footpath. Poster advertisements were displayed on the kiosks when I visited the site, one of which faced towards the carriageway and one of which faced towards the west. A lamppost with some traffic signs attached is located to the north of the appeal site, close to the kerb.
19. From the evidence the significance of the STCCA stems from the historic functions and development of the area, including the diverse range of commercial buildings, the associated public realm, and the activity that this generates.
20. The Street Hub is of a different design to the kiosks it would replace and would occupy a smaller footprint. Furthermore, in views from directly opposite the Masonic Hall its design would be less prominent in the streetscene than the two kiosks.
21. Nevertheless, the Street Hub would be of a solid construction, unlike the largely glazed existing kiosks and would be both taller and wider. It would, therefore, be more visually prominent in the streetscene in views from the east and west on both sides of Grove Road.
22. In such views, the size and position of the internally illuminated advertisement displays would be more visually obtrusive than the existing poster advertisements on the kiosks and would detract from the setting of the locally listed Masonic Hall.
23. Furthermore, the proposed advertisements would be visually obtrusive along Grove Road, including in views of the Masonic Hall and the buildings to its west, which are identified in the STCCA Character Appraisal and Management Plan.
24. I also note the existing illuminated advertisement displays on the bus shelters a short distance to the west of the appeal site, which also face in generally east/west directions; and the east facing illuminated advertisement display on a telephone kiosk to the east of the appeal site, near the junction with High Street. The proposed advertisements would be seen with these existing advertisements in views from the east and west along Grove Road and would create a sense of visual clutter.
25. The scale and position of the proposed advertisements would, therefore, be visually obtrusive, would detract from the character and appearance of the STCCA and would be harmful to amenity.
26. The appellant makes reference to the less than substantial harm that would be caused by the proposal, which in their view would be outweighed by the other benefits. This seems to be with reference to Paragraph 202 of the National Planning Policy Framework 2021 (the Framework). However, this paragraph concerns *development*, not the display of advertisements which are the subject of this appeal.
27. I note the appellant's reference to appeals elsewhere, including in the London Boroughs of Kingston upon Thames and Lambeth. I am not familiar with these appeals and in any event, each proposal should be determined on its individual merits, including with regard to its location. I also note that some of the other appeals concern InLink units, rather than the Street Hub that would display the appeal advertisements.

28. For these reasons proposed advertisements would have an unacceptable effect on amenity. I have taken into account Policies 3 (Sutton town centre), 28 (character and design) and 30 (heritage) of the Sutton Local Plan 2016-2031; and Policies D8 (public realm) and HC1 (heritage conservation and growth) of the London Plan 2021³ which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, it would conflict with these policies.

Safety

29. The displays would face in generally easterly and westerly directions, roughly parallel to and a short distance from the carriageway of Grove Road. The east-facing display would be readily visible to oncoming vehicular traffic along Grove Road and to a lesser extent to vehicular traffic exiting the narrow lane to the east of the Masonic Hall. The west facing display would be visible to motorists joining Grove Road from the narrow private lane to the west of the appeal site.
30. I note the appellant's comments regarding the lack of evidence that the proposal would be distracting to drivers and to the interpretation of the Highway Authority's comments.
31. However, I am satisfied that the scale and position of the proposed east-facing advertisement display would be likely to distract drivers, including bus drivers, travelling along Grove Road to the detriment of highway safety. There would be a significantly increased risk of distraction compared to the current situation, where a poster advertisement has been displayed facing towards the carriageway on the easternmost of the existing kiosks.
32. No substantive information regarding the use of the narrow lane to the west of the appeal site has been provided. Whilst there would be an increased risk of distraction for the drivers of any vehicles leaving this lane and joining Grove Road, it is unclear from the evidence that this increase would be significant.
33. The appellant also makes reference to pedestrian movement in the vicinity of the proposed advertisements. However, with reference to the Council's decision notice, this is not a matter of dispute between the parties, and I do not consider the proposal would cause difficulties to pedestrians in this regard.
34. For these reasons, the east-facing advertisement would have an unacceptable effect on safety. I have taken into account Policy 36 (Transport Impact) of the Sutton Local Plan 2016-2031; and Policy T4 (assessing and mitigating transport impacts) of the London Plan 2021 which seek to promote highway safety and so are material in this case. Given I have concluded that the proposal would be harmful to safety, it would conflict with these policies.

Conclusion

35. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR

³ Spatial Development Strategy for Greater London March 2021