



Appeal Decisions

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 A Ref: APP/P5870/H/21/3288988

Outside Wilkinsons, 78 to 82 High Street, Sutton SM1

- 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 DM2021/01478, dated 5 July 2021, was refused by notice dated 19 October 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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Appeal B Ref: APP/P5870/H/21/3288990

Outside 79 to 81 High Street, Sutton SM1

- 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 DM2021/01480, dated 5 July 2021, was refused by notice dated 19 October 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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Appeal C Ref: APP/P5870/H/21/3288985

Footpath outside 105 to 111 High Street, Sutton SM1

- 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 DM2021/01476, dated 5 July 2021, was refused by notice dated 19 October 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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Appeal A Decision

1. The appeal is allowed, and express consent is granted for the display of two digital 75 inch LCD display screens, one on each side of the Street Hub unit. 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.

Appeal B Decision

The appeal is dismissed.

Appeal C Decision

2. The appeal is allowed, and express consent is granted for the display of two digital 75 inch LCD display screens, one on each side of the Street Hub unit. 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 Matters

3. The appeal reference numbers on the Appeal Forms were 'APP/P5870/Z/21/3288988, APP/P5870/Z/21/3288990 and APP/P5870/Z/21/3288985'. 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.
4. The appellant's evidence contains numerous references to the appeal sites being located within the London Borough of Haringey. Notwithstanding these errors, I am satisfied that the appeal sites are all within the London Borough of Sutton, and I have determined these appeals accordingly.
5. The application forms for the appeal advertisements do not include a recognisable postal address. In the banner heading above, for Appeal A I have taken the address from the Council's decision notice; for Appeal B I have taken the address from the decision notice which is the same as the address on the appeal form; for Appeal C I have taken the address from the appeal form. I am not satisfied that the postcode for Appeal A is accurate, given it relates to a site within the public realm rather than a building. However, I am satisfied that all three sites are located within the SM1 postcode area, along High Street, and I have included this in the banner heading above.
6. From the evidence the proposed advertisements would be displayed on a 'Street Hub' unit, which is said to have replaced the previous 'InLink' unit that is no longer available. I have clarified this matter in the description of the proposed advertisement displays in the banner heading above.
7. These are three conjoined appeals for the same proposals at nearby sites along High Street within the Sutton Town Centre Conservation Area (STCCA)¹. They differ only in their location within High Street, although for Appeals A and C the proposed Street Hubs upon which the advertisements would be displayed would replace existing telephone kiosks of a different design at these sites. The proposed Street Hub for Appeal B is said to be a replacement for an existing kiosk of a different design, some 15 metres to the west on St. Nicolas Road.
8. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the three appeals together, except where otherwise indicated.
9. 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.

¹ Formerly known as the Sutton High Street Crossroads Conservation Area as referenced in the evidence.

10. I note the disagreement between the main parties regarding fees for pre-application advice and that consequently, none was provided in these cases. This does not affect my determination of the appeals based on the submitted evidence and my observations on site.

Main Issue

11. The main issue is the effect of the proposed advertisement displays on amenity.

Reasons

12. High Street is a largely pedestrianised street on a generally north-south axis, which slopes upwards from the north towards the south. It is a principal retail street within Sutton Town Centre and is lined by buildings of different sizes, and designs, which contain public houses, cafes, restaurants, banks, and similar uses, in addition to shops. These premises generally have illuminated fascia and projecting signs to advertise their location, whilst some of the food and drink premises have sitting-out areas for patrons within the street.
13. The public realm of the street varies somewhat along its length, from a tarmacadam-type covering at the south, including Appeal site A, with artificial block paving towards the north, including by Appeal sites B and C. The street contains some substantial semi-mature trees along its length, together with various types of street furniture, including lampposts, utility cabinets, benches, information signs, litter bins, and telephone and other kiosks.
14. 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.
15. The appeal advertisements would be displayed on rectangular-shaped, black coloured *Street Hubs*, which are some 1.3m wide, nearly 3.0m tall and some 0.35m deep.
16. 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 *Street Hubs* are of a different design to the kiosks they would replace and would be more visually prominent in the streetscene.
17. For Appeals A and C, the *Street Hubs* that would display the proposed advertisements would replace telephone kiosks, which contain an internally illuminated advertisement display on their northern sides. From the north, the visual impact of the proposed advertisements would be not dissimilar to the existing displays at these sites; they would have a neutral effect on the character and appearance of the STCCA and so would conserve it.
18. The advertisement displays on the southern sides of these two *Street Hubs* would be in addition to current advertisements along this part of High Street. However, despite their somewhat different size, such advertisements are not out-of-keeping with the character and appearance of this commercial area.
19. Furthermore, the south-facing position of the proposed advertisements and the distance of well over 100 metres between the sites of Appeal A and Appeal C, which are on opposite sides of High Street, means they would not create a sense of advertisement clutter. In views of these two sites from the south, the visual effect would be generally similar to that of the existing sites from a

corresponding viewpoint to the north. These proposed advertisements would not detract from the character or appearance of the STCCA and so would conserve it.

20. However, there is no existing kiosk at the site of Appeal B. The two-sided advertisement displays at this site would be located between the sites of Appeals A and C and would be seen together with the respective northern/southern advertisement displays of both. The scale and position of the proposed advertisements for Appeal B would, therefore, create a sense of visual clutter in views along High Street from both the north and south, that would be visually obtrusive and would detract from the character and appearance of the STCCA.
21. The appellant refers to the less than substantial harm that would be caused by the Appeal B 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.
22. 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.
23. For these reasons for Appeal A and Appeal C, the proposed advertisements would have an acceptable effect on amenity, whilst for Appeal B, the proposed advertisements would have an unacceptable effect on amenity.
24. 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 2021² which seek to protect amenity and so are material in this case. Given I have concluded that the proposals for Appeal A and Appeal C would not harm amenity, the proposal does not conflict with these policies. For Appeal B, given I have concluded that the proposal would harm amenity, it would conflict with these policies.

Other Matters

25. The Council has provided a list of conditions to be attached to any grant of advertisement consent, should the appeals be allowed. However, for Appeal A and Appeal C I am satisfied that the five standard conditions set out in the regulations would be sufficient.

Conclusion

26. For the reasons given above I conclude that Appeal A and Appeal C are allowed and, that Appeal B is dismissed.

Andrew Parkin

INSPECTOR

² Spatial Development Strategy for Greater London March 2021