



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/21/3289472

Outside 95 Brighton 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 DM2021/01497, dated 5 July 2021, was refused by notice dated 28 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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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal reference number on the Appeal Form was 'APP/P5870/Z/21/3289472'. 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 application form for the appeal advertisements does not include a recognisable postal address. I have used the address on the decision notice in the banner heading above.
5. 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 longer available. I have clarified this matter in the description of the proposed advertisement displays in the banner heading above.
6. 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

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

Reasons

8. The appeal site is located on the eastern side of Brighton Road, which is a two-way street a short distance to the south of Sutton town centre, on a generally north / south axis. Close by to the south is the slightly offset crossroads, comprising Brighton Road, and its intersection with Devonshire Avenue to the east and Ventnor Road to the west.
9. The appeal site is towards the southern end of a bus layby and to the south of its bus shelter. In addition to the bus shelter, which contains two illuminated advertisements facing towards the carriageway of Brighton Road, there are also other items of street furniture in the vicinity of the appeal site.
10. Between the bus layby and Devonshire Avenue / Ventnor Road is a controlled pedestrian crossing of Brighton Road, with tactile paving that extends across most of the footpaths on both sides of the road.
11. There are a range of different buildings and uses along this part of Brighton Road. To the east is the locally listed building Stowford/Eagle House School, which is set back in its own maturely landscaped grounds, and at a somewhat higher elevation, than Brighton Road. The building is used as a school at present and an illuminated free-standing panel advertisement near to the appeal site identifies it as such.
12. The other buildings in this vicinity are generally residential and are set back from Brighton Road, screened by walls and mature landscaping. Together with nearby street trees, this gives the area a verdant character and appearance.
13. 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 replace an existing telephone kiosk in the footpath some 0.3m from the garden wall. At the time of my visit the kiosk had a poster advertisements displayed in a northerly direction.
14. 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 northerly and southerly direction, roughly parallel to Brighton Road.

Amenity

15. The Street Hub is of a different design to the kiosk it would replace and would occupy a smaller footprint. Nevertheless, the Street Hub would be of a solid construction, unlike the largely glazed existing kiosk and would be both taller and wider. It would, therefore, be more visually prominent in the streetscene in views from the north and south on both sides of Brighton Road than the existing kiosk.
16. The size and position of the internally illuminated advertisement displays would be more visually obtrusive than the single poster advertisement on the northern side of the existing kiosk.

17. The existing illuminated advertisement displays on the bus shelters a short distance to the north of the appeal site, and the illuminated school panel advertisement would also be seen together with the proposed advertisements, particularly in views from the south along Brighton Road.
18. The scale and position of the proposed advertisements would, therefore, be visually obtrusive and would create a sense of visual clutter in views along Brighton Road, including in relation to the locally listed building to the east, which would be harmful to amenity.
19. 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.
20. 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 2021, 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

21. The displays would face in generally northerly and southerly directions, roughly parallel to the carriageway of Brighton Road and close to a controlled pedestrian crossing. The displays would be visible to oncoming vehicular traffic along Brighton Road from the north and south, to buses using the bus layby and to vehicles exiting Ventnor Road onto Brighton Road.
22. I note the appellant's comments regarding the lack of evidence that the proposal would be distracting to drivers and the interpretation of the Highway Authority's comments.
23. However, I am satisfied that the scale and position of the proposed south-facing advertisement display would be likely to distract drivers travelling northwards along Brighton Road to the detriment of highway safety. Drivers turning south from Ventnor Road, or crossing to Devonshire Avenue, would also be likely to be distracted by the proposed south-facing display.
24. These would be significantly increased risks of distraction compared to the current situation where there is no south facing advertisement on the southern elevation of the existing kiosk.
25. Furthermore, I also consider that the proposed north-facing advertisement would also be a distraction to drivers travelling south along Brighton Road. Whilst the existing bus shelter and layby provide a degree of separation and screening, there would still be an increased risk of distraction, including for the drivers of vehicles that have stopped to enable pedestrians to use the controlled crossing of Brighton Road.

26. Given the number of junctions and a controlled pedestrian crossing in the vicinity, the increased risk of distraction would cause unacceptable harm to highway safety.
27. The proposed Street Hub on which the advertisements would be displayed would reduce the width of the footpath. However, the Council does not consider this would cause unacceptable difficulties to pedestrians in the area, and in this case I would agree.
28. For these reasons, the proposed advertisements 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

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

Andrew Parkin

INSPECTOR