



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/21/3286346

Footpath outside Greensleeves Manor, Grove Road, Sutton SM1 2AF

- 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 DM2021/01470, 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/21/3286346'. 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 southern side of Grove Road, close to its intersection with Sutton Park Road and near to a traffic island. Grove Road is a one-way street, from east to west, to the east of the appeal site and towards Sutton town centre; to the west of the appeal site, Grove Road is a two-way street, but the traffic island requires vehicles travelling from the east to turn onto Sutton Park Road.
9. There is a controlled pedestrian crossing of Grove Road, very close to the appeal site, with tactile paving that extends across most of the footpath. There are also other items of street furniture in the vicinity of the appeal site and trees and other vegetation to the west.
10. There are a range of different buildings and uses along this part of Grove Road. Opposite and to the east are commercial buildings, including a prominent 3-6 storey brick building at the junction of Grove Road and Bridge Road. The buildings to the west of Bridge Road and Sutton Park Road have a residential character and appearance; the appeal site is located on the footpath in front of a short row of traditional, semi-detached buildings, with mock-Tudor projecting gables and raised front gardens. The gardens are largely grassed but do contain some bushes and small trees.
11. 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 no commercial advertisements displayed, although I note from the evidence a poster has been displayed on the eastern elevation.
12. 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

13. The Street Hub upon which the proposed advertisements would be displayed is of a different design to the kiosk it would replace and would occupy a smaller footprint.
14. 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 east and west on both sides of Grove Road. This prominence would be more noticeable given its position in a wide area of footpath, by a road junction and next to relatively open front gardens.
15. The size and position of the internally illuminated advertisement displays would be significantly more visually obtrusive than the single poster advertisement on the eastern side of the existing kiosk; in short distance views from the east, towards the residential-type developments and vegetation, this would be incongruous.

16. The existing illuminated advertisement displays on the bus shelters a short distance to the east of the appeal site, which also face in generally east/west directions, would be seen together with the proposed advertisements in views from the east and west along Grove Road, creating a sense of visual clutter.
17. The proposed advertisements would, therefore, be visually obtrusive and would detract from visual amenity.
18. 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.
19. 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

20. The displays would face in generally easterly and westerly directions, roughly parallel to the carriageway of Grove Road and close to a controlled pedestrian crossing. The east-facing display would be readily visible to oncoming vehicular traffic along Grove Road and to a lesser extent to vehicular traffic exiting Bridge Road to the east. The west facing display would be visible, although less prominent, to motorists joining Sutton Park Road from Grove Road to the west of the appeal site.
21. 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.
22. However, I am satisfied that the scale and position of the proposed internally illuminated east-facing advertisement display would be likely to distract 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 eastern elevation of the existing kiosk.
23. Furthermore, I also consider that the proposed internally illuminated west-facing advertisement would also be a distraction to drivers travelling east along Grove Road, to the west of the appeal site, as they seek to join Sutton Park Road, to the detriment of highway safety. Again, there would be a significantly increased risk of distraction compared to the current situation where no west-facing advertisement is displayed on the existing kiosk.
24. I do not consider the scale or position of the Street Hub would cause difficulties to pedestrians in the area, including those that use tactile paving to help them navigate, such as by the controlled pedestrian crossing near the appeal site.

25. 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

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

Andrew Parkin

INSPECTOR