



Appeal Decision

Site visit made on 18 April 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/P5870/H/22/3295537

Footpath opposite Hair4You, Angel Hill, Sutton SM1 3EW

- 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 on behalf of British Telecommunications PLC against the decision of the London Borough of Sutton.
 - The application Ref DM2021/01479, dated 5 July 2021 was refused by notice dated 27 January 2022.
 - The advertisement proposed is described as “two digital 75-inch LCD display screen, one on each side of the amended InLink unit”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address from the application form in my header. In the interests of accuracy and clarity, the postcode has been taken from the Decision Notice as one was not present on the application or appeal forms.
3. The proposed advertisement would form an integral part of a replacement BT Street Hub. The appeal documents indicate that a separate planning application to erect a replacement BT Street Hub was refused by the Council. There is no indication that an appeal has been made against that decision.
4. I note that the evidence submitted by both parties relates to several appeals lodged. For the avoidance of doubt, I have considered the evidence only as it relates to the single appeal before me.
5. The powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may be exercised only in the interests of amenity and public safety, taking account of any material factors including development plan policies as a material consideration. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterate this approach.

Main Issues

6. The effect on i) visual amenity and ii) public safety.

Reasons

Visual amenity

7. The appeal site is located on a wide pavement that runs alongside Angel Hill, a busy main road. The site is adjacent to a service road and a terraced row of mixed retail, commercial and residential properties. The public realm at this location has a variety of street furniture including lighting columns, cabinets, and a handful of bicycle stands. Whilst the presence of street furniture is an established characteristic of the surrounding area it does not overwhelm the streetscene.
8. The busy character and mixed-use nature of this part of the road, together with the fascia signs and street furniture, all contribute to the appearance of the area. Taking the immediate context of the existing streetscene into account, I consider that the proposed advertisement would not appear out of place in the public realm nor appear incongruous and dominant.
9. The display would be larger in size than the existing kiosk display, although not disproportionately so. Although illuminated (including a changing display) the proposed display would not increase any perception of clutter given that it would be replacing the existing kiosk.
10. Subject to conditions to control their illumination at night I can see no harm to visual amenity from the size, position, and method of illumination of the advertisements. The proposal would not harm the character and appearance of the locality.
11. I conclude that the proposal would not have a harmful effect on visual amenity. I have taken into account Policy 28 of the London Borough of Sutton Local Plan 2016-2031 (LP), the Sutton Urban Design Guide 'Creating Locally Distinctive Places' and Policy D8 of the London Plan 2021. Collectively, these require development to ensure that the public realm is attractive and related to the local context, to respond to local distinctiveness and to contribute positively to public realm and townscape. Given that I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these policies.

Public Safety

12. The illuminated digital screens would be orientated to face oncoming drivers in both directions of travel along Angel Hill. Within close proximity to the site are bus stops on either side of the road, accesses to the nearby sports facility and service road and a signalised pedestrian crossing. Their size, position and orientation together with the distraction of the changing illuminated displays would result in conflict with users of the highway in the locality, resulting in an unacceptable highway safety risk.
13. Whilst conditions could be imposed to avoid special effects, the level of illumination or to ensure a minimum display time, given the proximity of the advertisement to the aforementioned features within the highway the illuminated changing display would still cause a distraction to highway users.
14. I conclude on this issue that there would be a material risk to highway safety. I have taken into account Policy 36 of the LP and T4 of the London Plan which seek to protect the safety of people using roads and footways. Given that I have

concluded that the proposal would harm public safety, the proposal conflicts with these policies.

Other Matters

15. The appellant has directed me towards a number of previous appeal decisions¹ where Inspectors found similar schemes to be acceptable. However, while I do not have the precise details of these proposals, from the limited information before me, I consider that the environments surrounding these advertisements are not directly comparable to the location of this appeal.
16. The appellant has outlined numerous ways that the advertisement displays can be used for the public benefit, including the display of public health and community information, crime awareness and emergency messaging. In any event, no mechanism for managing the content of the displays has been presented.
17. There are a number of associated benefits related to the Street Hub functions, such as improved internet coverage and access to communication technology. However, as outlined in the preliminary matters, this appeal is focused solely on the proposed advertisement and therefore these benefits do not form part of the consideration in this appeal.
18. The site lies outside of the Sutton Garden Suburb Conservation Area (CA). As the site is not publicly visible from the CA the proposal will not have any harmful impact upon its setting.
19. I have noted the appellant's comments regarding the Council's engagement during the application process. However, this has had no bearing on my assessment of the proposed scheme which has focused on the merits of the proposed advertisement insofar as it relates to the amenity and public safety of the area.

Conclusion

20. There would be no harm to visual amenity, however, the display would harm public safety.
21. For the reasons given above, and taking into account all matters raised, the appeal is dismissed.

R Gee

INSPECTOR

¹APP/Z5630/H/3209488 and APP/N5660/W/18/3199793