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## Appeal Decisions

Site visit made on 12 August 2023

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 September 2023**

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### **Appeal A Ref: APP/P5870/W/22/3305876**

#### **Pavement outside 29 High Street, SUTTON, SM1 1DJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by JCDECAUX UK Limited against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2022/00849, dated 4 May 2022, was refused by notice dated 12 July 2022.
  - The development proposed is described as the installation of a freestanding multi-functional Communication Hub including advertisement display.
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### **Appeal B Ref: APP/P5870/H/22/3305878**

#### **Pavement outside 29 High Street, SUTTON, SM1 1DJ**

- 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 JCDECAUX UK Limited against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2022/00850, dated 4 May 2022, was refused by notice dated 12 July 2022.
  - The development proposed is described as the display of an internally illuminated freestanding digital screen.
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### **Decision**

1. Appeal A and Appeal B are dismissed.

### **Procedural Matter**

2. There are two appeals relating to the site, one against a refusal of planning permission and the other against a refusal of advertisement consent. They are intrinsically linked as one concerns a hub unit upon which, amongst other things, an advertisement would be displayed, and both raise similar issues. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.
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## **Main Issues**

3. The main issues in respect of Appeal A are the effect of the proposed development on the character and appearance of the surrounding area, including the character, appearance and significance of the Sutton Town Centre High Street Crossroads Conservation Area.
4. The main issue in respect of Appeal B is the effect of the proposed advertisements on the visual amenity of the area.

## **Reasons**

### *Character and Appearance/Visual Amenity – Appeal A and B*

5. The appeal site is located within the Sutton Town Centre High Street Crossroads Conservation Area (CA) and I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. With regard to Appeal B, this is relevant in so far as it relates to the consideration of visual amenity.
6. The CA includes areas around the two crossroads comprising the junctions of High Street with Grove Road and Carshalton Road. High Street is pedestrianised from the Grove Road junction to the boundary of the CA at Trinity Square. The majority of buildings along the western side of the pedestrian area, including the terrace containing No 29, are identified as making a positive contribution to the CA, while the Barclays Bank building, to the north of the appeal site, is Locally Listed. There are Listed Buildings also on the eastern side of High Street, to the south of the appeal site.
7. The Character Appraisal for the CA splits the area into 6 sub areas. The appeal site is located in sub-area 5 and the Character Appraisal notes that the terrace of six buildings (19-29 High Street) is the oldest in the area and is seen as a strength of the area. It notes that the fenestration is the same on all six buildings in the terrace, having two arched sash windows on the upper level and three rectangular sash windows at first floor level. Most of the original sash windows remain. The area offers the potential for repair of some buildings and the re-instatement of traditional windows, brickwork and shopfronts. Similar opportunities exist along the terrace of properties on the eastern side of High Street within sub-area 2.
8. The appeal site is located on the western side of High Street, on the pavement outside No 29. There is a general lack of any significant street-furniture along this pedestrianised stretch of High Street, other than small and discrete cycle hoops, street lights and bins.
9. The proposed hub would comprise a unit standing at a height of approximately 2.6 meters, with a side profile measuring 0.3 metres, and occupying an overall area of around 0.4 sq metres. The communication side of the unit includes a projecting canopy comprising solar panels, which power the lighting of the unit, and an integral defibrillator. The images shown on the illuminated screen on the opposite side would change in a repeated sequence.
10. Policy D8 of the London Plan indicates that development should ensure the public realm is safe, attractive, and related to the local and historic context.

Policy HC1 of the London Plan indicates that development proposals affecting a heritage asset and its settings, should conserve its significance, by being sympathetic to it and the appreciation of it within its surroundings.

11. Policy 28 of the Council's Local Plan (LP) indicates that development should respect the local context and respond to local character and heritage assets. Moreover, it should be of a suitable scale and height in relation to the setting of the site and the townscape. It should also protect any important local views. Policy 30 of the LP indicates that the council will expect development within a Conservation Area to conserve and, where practicable, to enhance those elements which contribute to the area's special character or appearance. In considering development proposals, consideration will be given to matters including height, scale, and views into and out of the Conservation Area.
12. In respect of Appeal A, I find that the hub, by virtue of its height, location and use of illuminated advertisements, would appear out of scale and character with the street furniture currently in existence along this part of High Street. Moreover, it would be a prominent feature that would adversely affect the view along the spine of the CA, which is characterised by openness and general freedom from significant visual or structural obstruction. In addition, it would not relate well to the general tone of the historic buildings in the vicinity.
13. The character appraisal for sub-area 5 indicates that the single-storey entrance to Morrisons supermarket on High Street, along with the 'Slug and Lettuce' building adjacent to it are 'unattractive additions to the streetscene and do not compliment the surrounding historic environment. The single-storey High Street entrance interrupts the rhythm and roofline of the other 3 and 4 storey buildings'. The appraisal notes that these buildings could be redeveloped more sympathetically, but I have no evidence that such an approach would be feasible in practice. Nevertheless, the unattractiveness of the Morrisons entrance is not a reason to add a further unsympathetic feature into the street scene at this point.
14. The Council also contends that the hub would be an obstruction to pedestrians entering and leaving the Morrisons supermarket. This does not form an element of the Council's formal decision, but I concur that the hub would be located in a position that would be a hindrance to pedestrian flow, albeit to a minor extent. Nevertheless, despite the limited impact, this adds to my concerns about the unsuitableness of the siting of the hub.
15. On the basis of the above, the proposed hub would conflict with Policies D8 and HC1 of the London Plan and Policies 28 and 30 of the LP. It would also conflict with the National Planning Policy Framework (NPPF) that seeks to conserve and enhance the historic environment and requires developments to add to the overall quality of the area and to be sympathetic to local character and history.
16. In reference to the main issue in respect of Appeal B, the proposed large, illuminated advertisement would be prominent in its location and would detract from the general openness and restrained appearance of the pedestrian area. It would, therefore, be harmful to the visual amenity of the area and, as such, would be contrary to Policy HC1 of the London Plan and Policies 28 and 30 of the LP. This is supported by the NPPF that states that the quality and character of places can suffer when advertisements are poorly sited.

## **Planning Balance – Appeal A**

17. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. In terms of the NPPF, the harm I have identified to the CA would be less than substantial. Paragraph 202 of the NPPF requires me to weigh this harm against the public benefits of the scheme.
18. The NPPF notes the importance of high-quality communications infrastructure and that the planning system should support such development, aiming to secure high quality and reliable digital infrastructure. However, I must balance this against the acceptability of the character and appearance of the proposal, and I have identified harm in that regard.
19. The proposed hub would provide some free services to the public, including a defibrillator, with the use of solar energy. These services would provide a useful function to members of the public and as such are a benefit of this development. However, I am not persuaded that such services could not be provided in a less obtrusive way or location.
20. The appellants contend that the multifunction interactive screens can be used to connect the Council with the public and be used to promote Council initiatives, public celebrations, to facilitate wayfinding or to promote local retailers, so contributing to the vitality and viability of the street. However, I am not provided with any mechanism which would secure that such public messages would be displayed. Furthermore, I do not have detailed evidence that the existence of this advertising would encourage people to use this retail area. Consequently, any potential contribution to the vitality of the retail area cannot be guaranteed and, in any case, any public benefits in this regard are limited.
21. Accordingly, the harm to the CA would not be outweighed by the public benefits of the proposed development.

## **Conclusion**

23. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that Appeal A and Appeal B should be dismissed.

*J D Westbrook*

INSPECTOR