



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

Appeal A Ref: APP/P5870/W/22/3305871

Pavement outside 1 High Street, Cheam, SUTTON, SM3 8RQ

- 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 DM2022/00843, dated 4 May 2022, was refused by notice dated 22 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/22/3305872

Pavement outside 1 High Street, Cheam, SUTTON, SM3 8RQ

- 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 DM2022/00844, dated 4 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is described as the installation of a multi-functional Communication Hub including advertisement display.
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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 Cheam Village Conservation Area, and
 - cycle parking provision along High Street.
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 Cheam Village 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 Cheam Park and areas around the central crossroads comprising High Street, Ewell Road, The Broadway and Station Way. The crossroads is characterised by cut-away corners with a small area of public space and small landscaping features. There is a degree of uniformity in building design and character around the four corners of the crossroads. The Character Appraisal for the CA notes that 'as you enter the village from the east, the road dips down and curves, making the mock Tudor designed buildings at the crossroads the most visible feature. This entrance into the retail centre and heart of the CA creates an immediate awareness of the character of the area'.
7. The appeal site is located on the north side of High Street, close to the junction with The Broadway. Whilst the shop fronts at Nos 1 and 3 High Street are of a simple modern design, the prevailing character and appearance of the immediate surroundings is one of a mix of 1930's style three-storey brick buildings and mock-Tudor buildings around the junction. The lack of any significant street-furniture around the junction, other than small and discrete cycle hoops, bins and communication boxes, protects and preserves the essential features and appearance of the area, especially when approaching from the east.
8. 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 that 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. It would be sited on a section of pavement empty of street furniture other than a street lamp, a small bin, and 7 small cycle hoops. The hub would displace 3 of the hoops, while, to the west, a set of 4 hoops would remain. The displaced hoops would be re-sited, one to the east of the hub and two on the opposite side of High Street.

9. 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.
10. 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.
11. Policy 36 of the LP indicates that development proposals will be assessed for their impact on the highway network as well as the local environment, and should be located so as to minimise any adverse impact on the highway network and maximise the use of sustainable modes of transport.
12. In respect of Appeal A, I find that the proposal would adversely affect the character and appearance of the area, including the character, appearance and significance of the CA. It would appear out of scale with the limited street furniture currently in existence around the crossroads and, by virtue of its height and location, it would be an excessively prominent feature that would adversely affect the view into the CA when approaching from the east. In addition, It would not relate well to the general tone of the buildings around the crossroads. On this basis, it 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.
13. 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 restrained tone of the buildings around the crossroads. 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.

Cycle parking provision

14. I note that a drawing (under heading A01896 Rev A) submitted with the scheme indicates that the proposed hub would entail the removal of 3 cycle hoops, but that there would be 3 replacement hoops provided on nearby pavements. I have no information before me to indicate that the replacement hoops would be unsatisfactory for any reason and, in this case, I do not consider that the proposal would be harmful to the provision of cycle parking facilities along this part of High Street. On this basis, it would not conflict with Policy 36 of the LP.

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