



Appeal Decisions

Site visit made on 21 August 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Appeal A Ref: APP/J4423/W/22/3302648

Pavement o/s Morrisons, Fulwood Road near junction with Glossop Road, Broomhill, Sheffield, S10 3BB

- 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 Mr James Browne on behalf of BT Telecommunications Plc against the decision of Sheffield City Council.
 - The application Ref 22/01427/FULTEL, dated 30 March 2022, was refused by notice dated 15 June 2022.
 - The development proposed is described on the application form as "installation of 1no. new BT Street Hub, incorporating 2no. 75" LCD advert screens, plus the removal of associated BT kiosks".
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Appeal B Ref: APP/J4423/H/22/3302650

Pavement o/s Morrisons, Fulwood Road near junction with Glossop Road, Broomhill, Sheffield, S10 3BB

- 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 Mr James Browne on behalf of BT Telecommunications Plc against the decision of Sheffield City Council.
 - The application Ref 22/01428/HOARD, dated 30 March 2022 was refused by notice dated 15 June 2022.
 - The advertisement proposed is described on the application form as "installation of 1no. new BT Street Hub, incorporating 2no. 75" LCD advert screens, plus the removal of associated BT kiosks".
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

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, which amongst things, would host advertisements, and both raise similar issues. To avoid repetition, whilst considering each appeal on its own merits, I have dealt with both in a single decision letter.
3. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2009 ('the Regulations') state that the control of advertisements may be exercised only in the interests of amenity and public safety, taking into account the provisions of the development, so far as they are material.

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposed development on the character and appearance of the area, including the character, appearance and significance of Broomhill Conservation Area.
5. The main issue in respect of Appeal B is the effect of the proposed advertisements upon the visual amenity of the area.
6. On both decision notices, the Council also referred to Sheffield Unitary Development Plan ('SUDP') Policy BE5. This policy relates to the siting and design of buildings, so does not appear to apply to the proposals before me. Accordingly, I have not considered it further.

Reasons

7. The appeal site is located within Broomhill Conservation Area ('CA'), therefore I have had regard to the statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. With regard to Appeal B, this is relevant insofar as it relates to visual amenity.
8. The significance of the CA is derived, insofar as it relates to these appeals, from the high proportion of historic building stock, with the prevalent use of local stone and brick both in the form of terraced residential properties, and standout commercial units. As a result, the character and appearance of the CA is generally relatively restrained and is described within the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton Neighbourhood Plan 2020 ('the Neighbourhood Plan') as being distinctly 'nineteenth century'.
9. The appeal site is located within an area of commercial properties, and on the northern side of Fulwood Road, which is a busy route providing access to the city centre. Currently, a pair of telephone kiosks occupy the appeal site which is located within an area of pedestrian realm situated in front of a parade of shops.
10. The parade of shops contrasts sharply with its surroundings, being of a distinctively more modern design and with flat-roofed construction in comparison to the more traditional design of other buildings in the area, including on the opposite side of the road. Although the existing telephone kiosks may have previously displayed numerous advertisements, at the time of my visit it was evident that these had been largely, albeit not wholly, removed.
11. The existing telephone kiosks do not make a particularly positive contribution to the street, and immediately surrounding the appeal site there are a number of items of street furniture, including bicycle racks, litter bins, planters, bollards, signposts and moderately sized trees. However, the pavement is wide and there is not currently any prevailing sense of clutter.
12. The appeal proposal would replace the existing telephone kiosks with a hub incorporating digital internally illuminated advertisement displays, and would be orientated such that it would be especially prominent in views when travelling towards the city centre along Fulwood Road. Although it would, at least volumetrically, be of a smaller scale than, and a similar height to the

existing largely glazed telephone kiosks, it would be more solid in appearance and would therefore be more prominent and intrusive within the streetscene.

13. Furthermore, the proposal would be widely visible from a number of directions beyond its immediate surroundings and within the CA, including along Fulwood Road and at its junction with Glossop Road. Although light levels would be limited outside of daylight hours, the digital display would nevertheless appear as a brightly illuminated object, particularly during darkness. As a result of the advertisements cycling on a regular basis, it would also have a degree of animation, even without transitions being incorporated, which would serve to draw the eye.
14. Therefore, despite its location close to more modern commercial development and illuminated and non-illuminated shop facias, the proposal would be a prominent and overtly modern and vibrant feature which would harm the character and appearance of the CA. However, given the relatively small scale of the proposal, the harm to would be less than substantial to the CA as a whole.
15. The proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, it would conflict with Policies BE10, BE16 and S10 of the SUDP, Policy CS74 of the Sheffield Core Strategy 2009 and Policy DDHM2 of the Neighbourhood Plan. Together and amongst other factors, these policies require new development to respect the distinctive features, heritage and townscape character of the city, preserve or enhance the character or appearance of the CA, when in shopping areas be well designed and of a nature appropriate to the site, and in the case of streets, create attractive spaces and co-ordinate street furniture.
16. The proposal would also conflict with the National Planning Policy Framework ('the Framework') which states that developments should add to the overall quality of the area, be sympathetic to local character and that the quality and character of places can suffer when advertisements are poorly sited.
17. The Framework states that when considering impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the conservation of the asset. It also goes on to state that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
18. The harm that I have identified to the CA would be less than substantial and the Framework requires me to weigh this harm against the public benefits of the scheme.
19. The Framework emphasises the importance of high-quality communications infrastructure to the delivery of sustained economic growth; and that the planning system should support such development, including high quality and reliable digital infrastructure.
20. The proposed hub could provide free WiFi calling, free device charging, direct access to emergency services, and would incorporate 4G and 5G cells. It would also enable the monitoring of traffic and environmental conditions. These would be useful elements that would improve communications and assist in meeting travel pattern and air quality objectives. As such, they represent public and safety benefits of the proposal. However, it has not been shown that they could

not be provided in another, less obtrusive way, nor have I been presented with a mechanism that would secure these benefits for the lifetime of the development. Accordingly I afford them limited weight in my considerations.

21. The proposed advertisements could be used to promote local enterprises and provide public messages. However, there is no mechanism before me that would secure the display of such public messages or ensure that advertising relates to local enterprises, and such control falls outside of the scope of the Regulations.
22. The installation of the proposed hub would lead to the removal of the existing telephone kiosks, which currently do not contribute positively to the character or appearance of the area. Their removal would provide a small increase to the usable area of public realm.
23. However, the pavement in this location is already expansive, and the increase in space would be relatively small. Furthermore, it has not been shown that the removal of the telephone kiosks would be wholly reliant of the approval of the proposal before me. Accordingly, I afford these factors modest weight as benefits of the proposal.
24. Accordingly, with regard to Appeal A, the harm to the CA would not be outweighed by the public benefits of the proposed development.
25. In respect of Appeal B, it follows from my reasoning above, that the proposed advertisement would be harmful to the amenity of the area.

Other Matter

26. I acknowledge that the Council has approved other, similar, proposals elsewhere. However, I have not been provided with full details of these proposals, so cannot draw any meaningful comparisons with the proposal that is before me. Furthermore, each case must be considered on its individual merits.

Conclusion

27. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that both appeals should be dismissed.

C Harding

INSPECTOR