



Appeal Decisions

Site visit made on 20 November 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2023

Appeal A Ref: APP/Y3615/W/23/3315185

Pavement outside 193 High Street, Guildford GU1 3AW

- 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 JC Decaux UK Ltd against the decision of Guildford Borough Council.
 - The application Ref 22/P/01419, dated 15 August 2022, was refused by notice dated 6 December 2022.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/Y3615/H/23/3315186

Pavement outside 193 High Street, Guildford GU1 3AW

- 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 JC Decaux UK Ltd against the decision of Guildford Borough Council.
 - The application Ref 22/P/01420, dated 15 August 2022, was refused by notice dated 6 December 2022.
 - The advertisement proposed is for an 86" LCD screen capable of showing illuminated static displays in sequence.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. I refer to the different cases as Appeal A and Appeal B and I have dealt with each on its individual merits, but to avoid duplication both proposals are considered together in this decision.
4. Both appeals concern the same proposed communication hub, with a defibrillator on one side along with a 32" touch screen, telephone handset, induction and USB charger. Appeal B seeks Advertisement Consent for an LCD advertising display which would be attached to the other side of the structure.
5. I have determined the appeals on this basis.

Main Issues

6. The main issues in Appeal A are whether the proposed development would preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area and whether the setting of nearby Listed Buildings would be preserved.
7. The main issue in Appeal B is the effect of the proposal on visual amenity, including the Guildford Town Centre Conservation Area and the setting of nearby Listed Buildings.

Reasons

Appeal A

8. The appeal site is situated outside 193 High Street which is a modern two storey building currently in use by a firm of estate agents on the ground floor. The pavement directly outside this property is currently devoid of any street furniture although there is a degree of clutter immediately to the east, in the form of telecommunications boxes and an old phone box adjacent the frontage of the modern RGS Guildford School.
9. The architecture of the High Street and the Conservation Area within which the site is situated is varied and includes a number of Listed Buildings directly opposite the site including no's 190–216 (evens) and the Grade I listed 'The Grammar School' located diagonally opposite. The Guildford Town Centre Conservation Area Character Appraisal (CACA) states that the grammar school is the most important building within the Upper High Street area and which I consider could be described as the "jewel in the crown" within the immediate locality. Therefore, any development should be sensitive to this very historic setting.
10. The CACA in its section 3.6 highlights that the public realm covers a variety of features found in the space between the buildings rather than the buildings themselves. It therefore includes street paving, lighting, signage and street furniture with it explaining that the quality of these components make an important contribution to the character and appearance of the Conservation Area; and where they are badly designed, they can adversely affect the special interest of the whole area. One of the issues and threats to the Upper High Street as set out within section 4.3 of the CACA, is poor quality street furniture.
11. I agree that the provision of well-designed and functional modern street furniture can be successfully integrated within busy urban environments, however, it is not a case of "one size fits all". I accept that modern developments and buildings form part of the character of the area, however the communication hub at approximately 1.34m wide and 2.63m high would add a substantial feature to the existing pavement, with it clearly forming a standard type of design which is proposed to be located within many urban centres across the country and beyond.
12. Notwithstanding the chosen angle of the existing and proposed photographs provided within the appeal submissions, the hub would be read within the setting of the aforementioned listed buildings. For persons travelling in a south westerly direction the hub would appear functional and incongruous in its appearance, and for those travelling northeast they would be faced by a large, illuminated flat advertisement panel which would appear wholly at odds with

the traditional architecture on the opposite side of the road. The proposed structure would not appear subservient in the street or complement other street furniture which, as a general rule within Guildford's centre, has been designed to be mindful of its historic location. The scheme would cause harm to the setting of the listed buildings and would fail to preserve the character and appearance of the Conservation Area as a whole.

13. I therefore find that the development proposal would lead to less than substantial harm to the significance of the designated heritage assets. It is quite clear that there would be some public benefits from the proposal, the defibrillator in particular, although I am not convinced that a communication hub is necessarily the only suitable location for one, with them regularly being installed on buildings or within redundant telephone boxes for example. The information touch screen could be a useful feature, but I also noted on my site visit that the town centre has quite a number of very useful static maps and way-finders which identify one's location and provide clear guidance on how to access other parts of the town.
14. Further, I have not been made aware of a deficiency in terms of 4G coverage within the locality and therefore the weight to be afforded to the provision of the internet via Wi-Fi is limited. I say this notwithstanding the evidence submitted that hubs have been utilised within other locations such as Manchester, Southampton and Cardiff, however I have not been provided with the full details of these and ultimately, each case must be assessed on its own merits. In addition, I am not in a position to doubt the sustainability of the construction of the unit, including the manner within which its materials can be recycled or recovered at the end of its life. However, these matters that fall in favour of the scheme do not outweigh the less than substantial harm that would be caused to the significance and setting of the designated heritage assets.
15. I therefore conclude that the proposal would have a harmful impact upon the significance of the heritage assets and would be contrary to the National Planning Policy Framework and Policies D1 and D3 of the Guildford Borough Local Plan 2015 – 2034 (adopted 2019), Policies HE4 and HE7 of the Guildford Borough Local Plan adopted January 2003 which together require new developments to achieve high quality design that responds to the distinctive local character of the area in which it is set, ensuring that the historic environment will be conserved and enhanced in a manner appropriate to its significance, whilst ensuring that new development has regard to the statutory tests as set out within sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Appeal B

16. Although the Council has quoted two development plan policies in its reasons for refusal in Appeal B, the Regulations¹ limit my considerations to issues of public safety and amenity. The Council only refused consent on visual grounds, but nonetheless it seems to me that many of the planning concerns which were relevant in Appeal A are equally relevant in Appeal B for the advertisement.
17. The proposed hub would be a prominent feature on this part of the pavement and would appear as a large, flat panel which would be positioned to directly

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

face pedestrians travelling north east with the very aim to attract their attention, combined with its digital nature it would appear wholly at odds with, and alien to, the historic architecture within the vicinity.

18. By virtue of its overall scale and positioning within both the Conservation Area and within the setting of a number of listed buildings, I consider that the proposed display would be visually incongruous, and I therefore conclude on this issue that the proposal would harm visual amenity.

Conclusion

Appeal A

19. The proposal would fail to preserve the character and appearance of the Guildford Town Centre Conservation Area and the setting of Listed Buildings.
20. For the reasons set out above and having regard to all other matters raised by the appellant, I conclude that the appeal be dismissed.

Appeal B

21. I consider that the proposal would have a harmful effect on visual amenity and the appeal is therefore dismissed.

C J Tivey

INSPECTOR