



Appeal Decisions

Site visit made on 23rd May 2024

By Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal A Ref: APP/P5870/W/24/3336272

Pavement outside 81 High Street, Sutton SM1 1DU

- 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 London Borough of Sutton.
 - The application Ref.DM2023/01419, dated 8 September 2023, was refused by notice dated 1 December 2023.
 - The development proposed is described as "The installation of a multi-functional Communication Hub including advertisement display, as illustrated in the attached documentation.to replace existing kiosk."
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Appeal B Ref: APP/P5870/H/24/3336277

Pavement outside 81 High Street, Sutton SM1 1DU

- 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 Limited against the decision of the London Borough of Sutton.
 - The application Ref. DM2023/01420, dated 8 September 2023, was refused by notice dated 22 December 2023.
 - The advertisement proposed is described as "The installation of a multi-functional Communication Hub including advertisement display, as illustrated in the attached documentation.to replace existing kiosk."
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Decisions

Appeal A Ref: APP/P5870/W/24/3336272

1. Appeal A is dismissed.

Appeal B Ref: APP/P5870/H/24/3336277

2. Appeal B is dismissed.

Procedural Matters

3. There are two appeals relating to the same site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid

repetition, while considering each on its merits, I have dealt with both in a single decision letter.

4. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 stipulate that advertisement control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

Main Issues

5. The appeal site is in the Sutton High Street Conservation Area "CA". The main issue for Appeal A is whether the proposal would preserve or enhance the character or appearance of the CA. The main issue for Appeal B is the effect of the advertisement on amenity with regard to the CA and public realm.

Reasons

6. The appeal site is situated on the west side of Sutton High Street, on the pavement outside a modern, double-fronted Peacocks store which is part of a fairly modern building. This part of the High Street is pedestrianised and provides a paved public realm welcoming to pedestrians. The High Street is the main north/south orientated commercial centre of Sutton and is made up of a variety of historic and modern buildings most with retail units on the ground floor.
7. The appeal proposals are for a communications hub which would replace an existing enclosed, mainly transparent call box. It would be about 5m from the shop window of Peacocks and about 14.7m from the retail units opposite at 90/92 High Street.
8. The proposed hub would comprise a unit standing at about 2.6m occupying an overall area of about 0.4sqm. The communication side of the unit includes a projecting canopy comprising solar panels that power the lighting of the unit. There is a payphone, touch screen and access to the internet. Other features include an automated external defibrillator. On the display side there would be a screen about 1.9m by about 1m. Images shown on the illuminated screen would change in a repeated sequence of static images.
9. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA in this general location can be gleaned from the Sutton Town Centre Conservation Area Character Appraisal and Management Plan (2019). The High Street pedestrianised area is in the Conservation Area and some (but not all) of the buildings which line the street(s) are within the Conservation Area. Long vista linear views are important and there is a distinctive sense of enclosure formed by the continuous building lines of properties still aligned to historical plot boundaries either side of the road. It is generally the upper storeys of buildings which retain a rich assemblage of surviving features.
10. Views are punctuated by street trees. Downhill views towards the appeal site from the Cheam Road junction are important for an appreciation of the CA. Notable facades near the appeal site are 84-86 High Street (red brick, tiled gable roofs, Dutch Revival style influences), 96 High Street (Art Deco) and 83-

87 High Street (Art Deco style). The latter is an accentuated corner building which would be seen in part in the context of the proposed communications hub.

11. In the vicinity of the appeal site, there is already a number of street furniture items including a red post box, a large black litter bin, concrete seaters, metal railings with mounted flower boxes, wooden planters and street trees, lamp posts and Sheffield cycle stands. There is a sandwich shop with tables and chairs on the pedestrianised precinct almost opposite the appeal site. Whilst the call box would be removed, the communications hub would be far more visually intrusive than that item of furniture. On balance it would add significant and opaque visual clutter within this otherwise relatively open part of the public realm, to the detriment of the quality of the streetscene. It would not jar with the modern shop frontages but it would unduly interfere with long vista views of the Conservation Area which are important to its appreciation and character. This is well illustrated by the proposed elevation supplied with the application.
12. In reference to the main issue in respect of Appeal B, the proposed illuminated advertisement would appear as a large, prominent and eye-catching feature in its immediate surroundings and would add a degree of visual clutter to the existing streetscene notwithstanding the removal of the call box. It would also jar with an appreciation of the historic facades of the CA and long vistas down the High Street, thereby reducing the significance of the CA. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screens were carefully controlled.
13. For these reasons, I find that the communications hub would be materially more harmful than the existing telephone kiosk. It would be harmful to the visual amenity of the area and would not preserve or enhance the character or appearance of the CA.
14. I would categorize the harm to the CA as 'less than substantial' harm. However, the presence of harm is of considerable importance and weight. Applying paragraph 208 of the NPPF, it is necessary to weigh any public benefits of the proposal against the harm. In this regard, the NPPF indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed hub would make a positive contribution to these aims, including through provision of a defibrillator, free ultrafast wi-fi access, free phone calls to landlines and charities, rapid connection to emergency services, device charging, an emergency messaging system and public information displays, the public benefits arising from this development would, in practical terms, only be modest. Thus, I find overall that the public benefits would not outweigh the harm I have identified.
15. In respect of Appeal A, the proposal would fail to either preserve or enhance the character of Sutton Town Centre Conservation Area and would increase visual clutter within the public realm, to the detriment of the town centre streetscene. It would be contrary to policies D8 and HC1 of the London Plan 2021 and policies 3, 28 and 30 of the Sutton Local Plan 2016-2031 (adopted 2018).

16. In respect of Appeal B, the digital advertisement panel would unduly harm amenity and would fail to preserve or enhance the character of Sutton High Street Conservation Area.

Conclusion

17. I have found that the proposals would be harmful to visual amenity and would not preserve or enhance the character or appearance of the CA. In relation to Appeal A, there would also be conflict with the development plan and the NPPF in these regards. This harm is not outweighed by any public benefits that would arise. Accordingly, both Appeal A and Appeal B are dismissed.

Megan Thomas K.C.

INSPECTOR