



Appeal Decisions

Site visit made on 15 May 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal A Ref: APP/G3110/W/23/3330865

44-45 High Street, Oxford, Oxfordshire OX1 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Ann-Marie Porter of Euronet Worldwide against the decision of Oxford City Council.
 - The application Ref is 23/01444/FUL.
 - The development proposed is described as "Proposed installation of an ATM to be installed through the shopfront left hand window, to the left of the central entrance door and brick pier. Right of the left hand window as a through glass installation. NCR Self Serve 6626 ATM fascia with NCR 6626 A Standard Surround Signage."
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Appeal B Ref: APP/G3110/H/23/3330874

44-45 High Street, Oxford, Oxfordshire OX1 4AP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Ms Ann-Marie Porter of Euronet Worldwide against the decision of Oxford City Council.
 - The application Ref is 23/01445/ADV.
 - The advertisement proposed is described as "Proposed installation of an ATM to be installed through the shopfront left hand window, to the left of the central entrance door and brick pier. Right of the left hand window as a through glass installation. NCR Self Serve 6626 ATM fascia with NCR 6626 A Standard Surround Signage."
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Decision

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

Preliminary Matters

3. Since the determination of the applications the Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. There are 2 appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.

5. Amended drawings were submitted to the Council during the application stage. The Council made their decisions based on these revised plans and it is these that will inform my assessment.

Main Issues

6. The main issue in respect of Appeal A is the effect of the development on crime and the fear of crime in the local area.
7. The main issue in respect of Appeal B is the effect of the advertisement on the visual amenity of the area, having regard to the Central Conservation Area and the setting of nearby Grade II listed buildings, 42 - 43, 48, 83 - 84 and 85 High Street.

Reasons

8. The appeal site comprises an existing bus ticket office located on the ground floor of a terraced building which is part of a row of tall properties with commercial uses on the ground floor.

Appeal A - Crime

9. The appeal site is located within an area which is popular with tourists due to its location in amongst the historic buildings of Oxford City centre. At the time of my site visit there were moderate levels of footfall on the pavement within the vicinity and the adjacent road was lightly trafficked by buses, cars and bicycles. I recognise that the level of activity in the area is likely to vary throughout the day and the year.
10. An Automatic Teller Machine (ATM) in this location is likely to be heavily used by tourists due to its proximity to the bus ticket office. Thames Valley Police, having reviewed the crime statistics for the area contend that users of ATMs in such locations can be vulnerable to criminals. Given the location of the appeal site, within a wide street where opposing windows are some distance away, the ATM would not benefit from high levels of natural surveillance particularly when the ticket office and adjacent shops are closed, making criminal activity more likely.
11. The adjacent road would provide the possibility of a quick exit from the scene following a crime, which would make the appeal site attractive to criminals. In this respect the appeal site differs from other ATMs I have been referred to which are within or adjacent to pedestrianised sections of the City centre.
12. The appellant proposes the installation of several security measures, including CCTV and external lighting although I have not been provided with any material illustrating these measures. However, given the location of the site within the conservation area (CA) and in the setting of listed buildings (LBs), I am not satisfied that these measures would not result in a harmful effect on the character and appearance of the area. As such I do not consider that conditions securing these measures would be reasonable.
13. Pin guard protectors and fascia mirrors could be provided within the envelope of the ATM itself and would mitigate the possibility of crime by a small amount. However, in the absence of any more comprehensive security measures, I consider that the proposed ATM would result in an increase in crime in the local

area. Consequently, the proposal would also result in an increase in the fear of crime as a realistic possibility.

14. I conclude that the proposal, the subject of Appeal A would result in an increase in crime and the fear of crime in the local area. It would therefore conflict with Policy DH6 of the Oxford Local Plan 2036 (Adopted June 2020) (LP) which seeks to ensure that changes to shop fronts do not prejudice public safety. It would also conflict with paragraphs 96 and 135 of the Framework which seek to ensure that crime and fear of crime do not undermine quality of life or community cohesion and resilience.
15. The appeal decision refers to Policy DH1, however this appears to be a typo as the Officer Report refers to Policy DH6 and I have considered the appeal accordingly.

Amenity – Appeal B

16. The appeal site is within Oxford's Central CA which encompasses a large part of the city centre. The CA derives its significance from its numerous historic buildings, street pattern and important open spaces, focussed on the historic core of the city.
17. The High Street is located in the heart of the CA and hosts many commercial and educational activities and buildings. The appeal site is one of a group of tall, terraced buildings which frame this section of the High Street. Whilst the existing shop front is not as characterful as some others nearby, the lack of illuminated adverts means that the appeal site sits unobtrusively in the context of the High Street. Therefore, the existing shopfront makes a neutral contribution to the CA.
18. The proposed signage would include an internally illuminated white fascia with blue lettering reading 'ATM'. Whilst relatively modest in scale, the proposal would introduce illuminated signage to a part of the High Street where such advertisements are not readily apparent. It would therefore appear incongruous and assertive within this historic setting and would be an unduly obtrusive addition to the street scene.
19. Therefore, having regard to my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) (the Act), I find that the proposal would fail to preserve or enhance the character or appearance of the CA.
20. The appeal site is within the setting of Grade II LBs including 42 and 43 High Street¹ (Nos 42 and 43), 48 High Street² (No 48), 83 and 84 High Street³ (Nos 83 and 84) and 85 High Street⁴ (No 85).
21. Located immediately adjacent to the appeal site are Nos. 42 and 43 which comprise 4 storey buildings dating from the 16th Century. They have rendered walls and shopfronts on the ground floor. They derive their significance from their history in connection with the Oxford History Society and their architecture including a distinctive gabled attic and bay windows along with detailed mouldings. The appeal site flanks the LB, resulting in a continual

¹ List Entry Number: 1047281

² List Entry Number: 1115601

³ List Entry Number: 1320571

⁴ List Entry Number: 1139039

frontage to the High Street and therefore it contributes positively to its setting. The proposed illuminated signage would be conspicuous in both close and longer range views from the High Street towards Nos 42 and 43. It would contrast with the traditional, simple appearance of the ground floor shop fronts at Nos 42 and 43 and would introduce a distracting and eye-catching feature within its immediate context. Consequently, the proposal would fail to preserve the significance of Nos 42 and 43 through harmful development within their setting.

22. Another Grade II LB, No 48, is located on the same side of the road as the appeal site, although separated from it by intervening development. No 48 likely dates from the early 18th Century and derives its significance from its history as a shop on the High Street, from its group value with other LBs on the north side of the road and from its architecture including its distinctive eaves, cornice and ancient lead rainwater head and pipe in the centre of the front elevation. The ground floor is in retail use and has a traditional shopfront. The appeal site would be visible in views towards No 48 from various vantage points on the High Street and is presently a relatively unobtrusive feature within the setting of No 48. It forms part of the group of frontage buildings of which the LB is part and in this respect contributes positively to it. The proposed illuminated signage would be overtly modern and eye-catching and would detract from views towards the LB from public vantage points. Consequently, the proposal would fail to preserve the significance of No 48 through harmful development within its setting.
23. To the southwest of the appeal site, on the opposite side of the road are located Nos 83 and 84 which comprise 4 storey buildings. They date from the late 18th Century and derive their significance from their history including an association with Queen Adelaide and uses as an Inn and Coffeeshop. They also derive their significance from their architecture which includes a distinctive pillared shopfront, railings and first floor, cornice, decorative pilasters and window detail.
24. No. 85 is a 5-storey building which originates from the 17th Century but has since been altered. It derives its significance from its group value in association with other LBs on the south side of the High Street and its architecture including distinctive windows and cornice.
25. The appeal site is visible in the same vista along the High Street as Nos 83, 84 and 85 and in combination with other buildings, defines the northern side of the High Street in these views. The appeal site therefore contributes positively to the setting of these LBs. However, because of the intervening road, which is generous in width and associated activity, the proposed illuminated advertisement would not result in a significant effect on how these buildings are perceived. Therefore, in respect of these LBs I am satisfied that the proposal would preserve their setting.
26. The appellants have suggested that the proposal could be revised to a non-illuminated ATM fascia, however I am required to determine the appeal on the basis of the submitted plans and documents.
27. I conclude that the proposed advertisement would have an unacceptable impact on amenity as a result of its harmful effect on the character and appearance of the area including the CA and the setting of nearby Grade II LBs, 42 - 43, 48, 83 - 84 and 85 High Street.

28. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the Framework and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to the consideration of amenity.
29. I have taken account of Policies S1, DH1, DH2, DH3, DH6 and RE7 of the LP and relevant paragraphs of the Framework which collectively seek to ensure that development achieves a high standard of design, particularly in Oxford's historic core and that great weight is given to the conservation of designated heritage assets. They also seek to ensure that signage and illumination are not detrimental to assets of heritage significance or visual amenity.

Other Matters

30. In respect of Appeal B, the Council has raised no concerns in relation to the effect of the appeal proposal on public safety and based on the evidence before me, I have come to the same conclusion.
31. Whilst an ATM in this location would be a useful facility for users of the ticket office and passers-by, I note that there is an existing ATM within the ticket office and others within a relatively short walk of the appeal site. I therefore attach limited weight to this benefit. On the other hand, I attach significant weight to the conflict with the development plan in respect of crime and fear of crime and great weight to the heritage harms identified.

Conclusion

32. The proposals conflict with the development plan and the Regulations. The material considerations do not indicate that the appeals should be decided other than in accordance with the development plan.
33. Therefore, both Appeal A and Appeal B are dismissed.

E Pickernell

INSPECTOR