



Appeal Decisions

Site visit made on 6 August 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal A Ref: APP/A3655/W/24/3343463

Land Adjacent to 26 Commercial Way, Woking, Surrey GU21 6EN

- 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 Mr Nathan Still, IN FOCUS NETWORK LIMITED against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0042.
 - The development proposed is 'installation of a freestanding telephone apparatus with affixed defibrillator and advert display'.
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Appeal B Ref: APP/A3655/H/24/3343462

Land Adjacent to 26 Commercial Way, Woking, Surrey GU21 6EN

- 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 Mr Nathan Still, IN FOCUS NETWORK LIMITED against the decision of Woking Borough Council.
 - The application Ref is PLAN/2024/0043.
 - The advertisement proposed is 'installation of advert display (attached freestanding telephone apparatus with affixed defibrillator) comprising single illuminated six sheet display with automatic change of static images at ten second intervals.'
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Decisions

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

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in that Appeal A is seeking planning permission while Appeal B seeks express advertisement consent. I have considered each proposal on its individual merits. To avoid duplication however, I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework ('the Framework') indicate that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. I have considered Appeal B on this basis and having regard to the provisions of the development plan, so far as they are material.

Main Issues

5. The main issues in Appeal A are the effect of the proposal on the character and appearance of the area and the effect of the proposal on pedestrian movements.
6. The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons

7. The appeal site is located outside 26 Commercial Way, close to the junction of Commercial Way with Chapel Street. This part of the street is pedestrianised and runs between buildings which have units in mixed commercial uses at ground-floor level. A change in surfacing material marks out a central strip along the street where there is varied street furniture including cycle stands, bins, lighting/CCTV columns and town centre signage boards as well as communication hubs with advertising. These features are interspersed and closely aligned with a line of established street trees to form a defined row along the southeastern half of the central strip.
8. The positioning of the street furniture set amongst the large trees means that these elements are generally fairly discrete in views along the street, and unimpeded access and open views along the commercial unit frontages are retained to either side. Overall, the regular placement of street features in alignment appears carefully organised, and together with the trees, creates an orderly and attractive avenue streetscape in this part of the town centre.
9. The appeals propose a freestanding communication hub with defibrillator and advertisement display. The submitted plans suggest that it would be positioned nearly in line with the centre of No 26 and 3m closer to Chapel Street than a lighting column. However, consistent with the Council's comments, I saw at my visit that the lighting column currently in front of No 26 is already positioned nearly in line with the centre of the unit. The appellant has not provided clarification of this apparent discrepancy, and I therefore consider there to be some ambiguity over the precise siting of the proposal along the length of Commercial Way.
10. In any event, the hub would sit between Chapel Street and the row of trees and street furniture along the eastern section of Commercial Way. Noting the presence of other street features nearby and the commercial setting, it would not in itself be an uncharacteristic or unexpected feature in the town centre. I am also satisfied that the scale of the installation would be generally appropriate to its surroundings.
11. Nevertheless, No 26 is in use as a restaurant at ground floor level. It has an area of outdoor seating which projects out from the unit, reducing the width of the street and nearly converging at its south west corner with the edge of the paving to the central strip. As the street narrows at this point and meets Chapel Street, there is currently a gap in the row of street furniture and trees running along Commercial Way. The proposal would extend the spread of street furniture into this gap. I appreciate that there would remain space to either side of the hub, but it would still be close to the outdoor seating at No 26. In my judgement, its proximity to the outdoor seating would cause it to appear awkwardly cramped as the central strip converges towards this point and would give an unduly cluttered appearance to this side of the street.

12. Moreover, while it would be within the central strip, the submitted plans indicate that the hub would be positioned offset to the north of the general line of the defined row of trees and street furniture. While the offset may be slight, it would increase the visibility of the relatively large surfaces of the front and rear elevations and seen against the distinctive, strong alignment of features along the street, I find that such a siting would be conspicuous and the juxtaposition would be visually jarring.
13. It would also be in direct line of sight with existing communication hubs outside 10 and 34 Commercial Way. Although these are older style units, there is a visual likeness with the proposal and I consider that the appreciably close proximity of the similar features to one another would further exacerbate the impression of clutter along the street.
14. The above factors in combination would result in a discordant and unsympathetic element in the street scene as well as unwelcome visual clutter. It would be particularly prominent in views along Commercial Way from the south east where the existing gap in trees and most street furniture would afford clear views of the hub, with the illuminated digital advertising to the facing side further designed to attract attention.
15. The Council has also raised concern that the Appeal A proposal would reduce the space available to pedestrians on a busy thoroughfare. The hub would be an additional feature to navigate at a point where the street is already narrowed by the outdoor seating to No 26. However, in the alignment shown on the submitted plans, I am satisfied that the retained width of the street to either side of the feature would be sufficient to enable pedestrians, including those with mobility difficulties or pushchairs, to pass without undue obstruction. The telephone apparatus, charger and screen would also be located to the rear of the hub so that anyone using these features would be likely to stand in line with the unit rather than to the side within the path of passing pedestrians.
16. Even in busy periods, I therefore conclude that the Appeal A proposal would not cause unacceptable obstruction to pedestrian movements and it would not present a meaningful deterrent to walking as a mode of travel. In this respect, it would accord with requirements within Policies CS18 and CS21 of the Woking Core Strategy 2012 ('the CS') and Policy DM17 of the Development Management Policies Development Plan Document 2016 ('the DMP') broadly seeking easy, inclusive access through the public realm and accessible and inclusive development that encourages sustainable means of travel.
17. Nevertheless, I conclude for the above reasons that the proposals would detract significantly from the character, appearance and existing quality of the townscape and there would be marked detriment to the visual amenity of the neighbourhood of the site.
18. Policies CS21 and CS24 of the CS and Policy DM17 of the DMP include requirements broadly for proposals to respect and make a positive contribution to the street scene, townscape character and local distinctiveness, and to create or contribute to attractive and high quality public realm. The Appeal A proposal would be contrary to these requirements, and insofar as they are material, the Appeal B proposal would also conflict. In respect of Appeal B, I have additionally taken into account Policy DM18 of the DMP which outlines that proposals for advertising will be considered having regard to, amongst

other things, effects on the visual amenity of the immediate neighbourhood where it is displayed.

19. The proposals would similarly be contrary to the Framework insofar as it seeks good design, and highlights that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

20. The proposal is intended to form part of a network of connected communication hubs within the town centre. It would offer functions to the public including free calls to landlines, free wifi, interactive wayfinding, access to information about the local area and device charging as well as a defibrillator. These would offer some benefit to users and the town centre, and I acknowledge that the Framework highlights the importance of reliable communications infrastructure to economic growth and social well-being. I also appreciate the potential for defibrillator availability to improve health outcomes in the event of cardiac arrest, and I have noted the appellant's evidence referring to potential additional functions such as air quality and pedestrian flow monitoring, albeit these are not specified as forming part of the current proposal. There would further be some economic benefit associated with the advertising. However, I consider that these benefits would be limited relative to the harm that I have identified, and it is further unclear that they could not be achieved through a proposal in a more sympathetic location that would not give rise to the adverse effects that I have identified in this case. These matters do not therefore alter my view that the proposal would be unacceptable.

Conclusion

21. There is no dispute between the main parties that public safety would not be harmed by the proposal and I have found no unacceptable detriment to pedestrian movement in respect of Appeal A. However, there would be unacceptable harm to the character and appearance of the area and to visual amenity and for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

J Bowyer

INSPECTOR