



Appeal Decisions

Site visit made on 4 September 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 OCTOBER 2024

Appeal A Ref: APP/K3605/W/24/3345772

11 High Street, Esher, Surrey KT10 9RL

- 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 on behalf of In Focus Network Limited against the decision of Elmbridge Borough Council.
- The application Ref is 2024/0515.
- The development proposed is described as the installation of a freestanding telephone apparatus with affixed defibrillator and advert display.

Appeal B Ref: APP/K3605/H/24/3345775

11 High Street, Esher, Surrey KT10 9RL

- 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 on behalf of In Focus Network Limited against the decision of Elmbridge Borough Council.
- The application Ref is 2024/0493.
- The advertisement proposed is described as a single illuminated six sheet display with automatic change of static images at ten second intervals.

Decision

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

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the installation of a freestanding telephone apparatus with affixed defibrillator and advert display. Appeal B relates to the refusal of advertisement consent for a single advertisement display which would be an integral part of the proposed apparatus sought under Appeal A. I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.
5. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework

most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

6. The Council has not raised any issues of public safety. Based on the evidence before me, I see no reason to reach an alternative view.

Main Issues

7. For Appeal A, the main issue is the effect of the proposal on the character and appearance of the area.
8. For Appeal B, the main issue is the effect of the proposal on visual amenity.

Reasons

9. The appeal site comprises an area of pavement located to the front of 11 High Street, Esher (No.11), which is a three-storey building that has a commercial premises at ground floor level. The appeal site is located outside of the boundary of the Esher Conservation Area.
10. The proposed 'communication hub' would have a simple, modern design and measure approximately 2.63 metres high, 1.33 metres wide and 0.33 metres deep. It would have a display screen installed on one side, with touchscreen, a phone handset, a defibrillator and charging connection on the other side. It would be sited approximately 4.3m from the front of No.11 and approximately 700mm from the kerb. There is an existing low level flower planter where the proposed hub would be site, this would need to be relocated.
11. The surrounding area is predominantly commercial in character, with some residential uses. As is expected in a location such as this, there are a variety of existing, purpose built and designed advertisements. However, these are mostly attached to the shopfronts and are in keeping with the surrounding built character. By contrast, the proposal would introduce a free-standing advertisement, which would by virtue due of its height, width and bulk would appear as a prominent and visually intrusive addition to the street scene. Although I acknowledge that the pavement is of a generous width, this would not overcome the harm visual effects of the proposed development.
12. Furthermore, due to its scale in comparison to limited presence of nearby items of street furniture, and its proposed prominent position, it would add visual clutter, thereby detracting from the existing street scene and making it feel less spacious. It would involve the introduction of a modern piece of street furniture, which by virtue of its design, scale, and position, would fail to integrate successfully without harming the visual amenity of the area.
13. I accept that the advertisement would display static imagery and that the illumination would be controllable, these measures could, had I been minded to allow the appeal secured by imposition of a suitably worded planning condition. However, this would not overcome the harm identified above.
14. My attention has been drawn to examples of similar installations within the local area, including Sandown House, 1 High Street, Esher. Based on the evidence before me, this particular scheme involved the replacement of 1 internally illuminated double-sided digital advertising panel on bus shelter. As such, it differs from the appeal scheme in that it did not introduce a new

freestanding element into the street scene. Therefore, whilst I acknowledge that there are some similarities in that they both include digital advertisement screens, it is not directly comparable to the appeal proposal.

15. Therefore, with regard to Appeal A, I find that the proposed development would cause unacceptable harm to the character and appearance of the area. It would be contrary to Policies CS9 and CS17 of the Elmbridge Core Strategy, adopted July 2011 (CS) and Policies DM2, DM15, DM16 of the Development Management Plan adopted April 2015. These policies seek, amongst other things, to ensure high quality design that positively responds features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area.
16. With regard to Appeal B, for the reasons given, I find that the advertisement would cause harm to the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would not comply with those policies referred to above.
17. The Council also cited Policy CS18 of the CS in their reasons for refusal. However, this policy primarily relates to development involving town centre uses, and whilst the proposal would be located in a town centre location, it would not conflict with the aims of this policy.

Other Matters

18. I have had regard to the public benefits of the scheme which include the provision of multifunctional communication technologies, including interactive screens to connect the Council with the public and be used to promote Council initiatives, public celebrations, to facilitate wayfinding or to promote the Borough to those who live work or visit this part of the city. The hub would also include features such as Wi-Fi, phone charging, a free phone calling system and defibrillator. This is supported by Paragraph 118 of the Framework.
19. Whilst I note the benefits associated with the provision of a defibrillator, evidence provided by the Council indicates that Esher benefits from seven existing defibrillators within the core town centre area. Nevertheless, this would still be a public benefit to which I attribute moderate weight to in favour of the proposal. However, the proposed would harm the character and appearance of the area. I attribute significant weight to the cumulative harm, and this would outweigh the stated benefits of the scheme.

Conclusion

20. For the above reasons, the proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that Appeal A should be dismissed.
21. For the reasons given above the proposal would be detrimental to the interests of visual amenity. Therefore, I conclude that Appeal B should be dismissed.

K Lancaster

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/K3605/W/24/3345772	IN FOCUS NETWORK LIMITED
Appeal B	APP/K3605/H/24/3345775	IN FOCUS NETWORK LIMITED