



Appeal Decision

Site visit made on 30 October 2024

by N Perrins BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal A Ref: APP/P3610/W/24/3345295

Pavement Outside 6a Church Street, Epsom, Surrey KT17 4NY

- 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 Epsom & Ewell Borough Council.
 - The application Ref is 24/00206/FUL.
 - The development proposed is the installation of freestanding telephone apparatus with affixed defibrillator and advert display.
-

Appeal B Ref: APP/P3610/Z/24/3345304

Pavement Outside 6a Church Street, Epsom, Surrey KT17 4NY

- 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 Epsom & Ewell Borough Council.
 - The application Ref is 24/00207/ADV.
 - The advertisement proposed is single illuminated six sheet advertisement display with automatic change of static images.
-

Decision

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

Preliminary Matters

3. The two appeals relate to the same appeal site and to each other. Appeal A relates to the refusal of planning permission for the proposed communication hub, which includes a defibrillator. Appeal B is in respect of refusal of advertisement consent for the advertisement display which would be an integral part of the proposed hub. I have considered each appeal on its individual merits, but as they raise similar issues, I have combined these cases in a single decision letter.
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) state that advertisements should be subject to control only 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.

5. I have used the Council's description of the proposal in respect of Appeal B as it more precisely describes the proposed advertisement.
6. Finally, a revised version of the National Planning Policy Framework (the Framework) was published in December 2024. I have not considered it necessary to invite observations from the main parties as regards any relevance, this is in view of the determining issues at play.

Main Issues

7. The main issue in respect of Appeal A is the effect of the proposed communication hub on the character and appearance of the area.
8. The main issue in respect of Appeal B is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

9. The appeal site is located on an area of pavement outside No 6a Church Street in Epsom town centre. The character of the street where the proposed hub would be located comprises predominantly commercial uses at ground floor with typical fascia signage and ground floor windows. The pavement outside No 6a Church Street is wide when compared with other parts of the town centre on nearby adjacent streets. Existing street furniture along Church Street comprises mainly trees, bike stands, bins, bollards and benches.
10. The proposed communication hub would be freestanding, with an integral advert HD LCD screen display for advertisements on one side and a range of publicly accessible communication functions on the other, underneath a protective canopy. The services provided would comprise free calls to landlines, free wi-fi, interactive way finding, direct access to local webpages, a 24/7 publicly available defibrillator and device charging.
11. The unit would have a height of approximately 2630mm, width of approximately 1338mm and a depth of around 315mm. The screen would be elevated by around 530mm above the pavement and the protective canopy extending out around 600mm. The proposed advert would be within a screen display area of around 1065mm by 1895mm and would comprise an illuminated six sheet display with automatic changing images that would not change more frequently than once every ten seconds.
12. The proposed hub would be located adjacent to the kerb line and, due to the width of the pavement, around 7m from the nearby retail units. However, this results in a significant distance between the proposed hub location and commercial frontages. As such, the hub would appear as a solitary feature that is unrelated to the existing commercial character along Church Street, which is set some distance back from the road. Accordingly, the hub would appear as an isolated, large and overly dominant feature within the street scene. This impact would be exacerbated by the modern appearance and rotating advertising screen, which further highlights the incongruity of the proposal within its context.
13. The impact from the proposal also contrasts with the existing street furniture features, which are generally small scale and understated. The proposal would, therefore, add an unduly prominent and incongruous appearing additional form

of street furniture into an area that is generally uncluttered. This would unacceptably harm the visual amenity of the area.

14. I have considered the public benefits and sustainability credentials of the proposal put forward by the appellant such as the provision of a range of free communications services, potential to advertise community safety campaigns and the 24/7 publicly available defibrillator. I also acknowledge that Chapter 10 of the Framework confirms that advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being as well as supports the expansion of electronic communications networks.
15. However, it is not clear from the information before me to what extent there is a need for the publicly accessible facilities in the area over and above existing provision. The proposed use of the facility by the Council to promote their initiatives is also not explained in terms of whether this is needed or how it would be delivered. On balance, whilst I recognise that there would be some public benefits from the proposal, I find that they would be ancillary to the advertising aspect and as such only attract limited weight in this decision. I, therefore, am not satisfied that the public benefits identified outweigh the visual harm from the proposal.
16. Accordingly, Appeal A would conflict with Policy CS5 of the Epsom & Ewell Borough Core Strategy 2007 (CS) and Policies DM9, DM10 and DM15 of the Development Management Policies Document 2015 (DMPD), as well as Section 12 of the Framework. Together, these policies seek high quality design which respects local context and visual amenity of the area.
17. With regard to Appeal B, in accordance with the Regulations, I have considered the provisions of the development plan so far as it is relevant. Policy CS5 of the CS and Policies DM9, DM10 and DM15 of the DMPD seek to protect visual amenity. As I have concluded that the advertisement would harm visual amenity, Appeal B conflicts with these policies as well as the amenity aims of the Framework.

Conclusion

18. For the reasons given above, the proposals under Appeal A and Appeal B would harm the visual amenity of the area. Whilst the proposals would offer public benefits, these would not outweigh the visual harm identified. Accordingly, I conclude that Appeals A and B should be dismissed.

N Perrins

INSPECTOR