



Appeal Decisions

Site visit made on 14 January 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal A Ref: APP/K3605/W/24/3345818

Area Of Pavement Outside 61-65 High Street, Esher, Surrey KT10 9RQ

- 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 Elmbridge Borough Council.
 - The application Ref is 2024/0514.
 - The development proposed is installation of a freestanding telephone apparatus with affixed defibrillator and advert display.
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Appeal B Ref: APP/K3605/H/24/3345821

Area Of Pavement Outside 61-65 High Street, Esher, Surrey KT10 9RQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Advert Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (IN FOCUS NETWORK LIMITED) against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0494.
 - The advertisement proposed is described as "single illuminated six sheet display with automatic change of static images at ten second intervals."
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Decisions

1. Appeal A and appeal B are both dismissed.

Preliminary Matters

2. The 2 appeals relate to the same site and to each other. I have considered each on its individual merits but I have combined the cases into a single decision letter as they are intrinsically linked and raise similar issues.
3. The appellant's appeal statement refers to a proposed development on land outside 11 High Street in Esher. These comments appear to relate to other planning appeals that are not before me for consideration.
4. The Advert Regulations confine the assessment of advertisements to issues of amenity and public safety. With respect to appeal B, development plan policies are only relevant considerations insofar as they relate to such matters.
5. Since the appeals were lodged a revised version of the National Planning Policy Framework (the Framework) has been issued. I find no need to seek the main parties' comments on the revisions as the parts of the Framework most relevant to these appeals are largely unaffected by the amendments.

Main Issues

6. For appeal A, the main issues are the effect of the development on (i) the character and appearance of the area including whether it would preserve or enhance the character and appearance of the Esher Conservation Area (the CA), and (ii) the setting and significance of the Bear Hotel, a grade II listed building (the LB). For appeal B the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

Character and appearance of the area (appeal A).

7. The proposed communications hub would be positioned close to the kerb on pavement to the south side of High Street. The site lies within Esher town centre with the ground floor of many of the nearby properties used as shops, food and drink outlets and other commercial uses. The locality has a busy town centre character, heavily influenced by traffic travelling along the road.
8. The hub would be positioned within the CA, albeit close to its boundary. This part of the CA includes properties and land around the crossroads where the High Street (A307) meets Church Street/Claremont Lane (A244). There are grassed areas including trees between the arm of the High Street that leads to Claremont Lane and the main part of the A307. Several older properties, including the LB, are on the same side of the road as the appeal site and face these open areas. From the submissions and my observations, the significance of this part of the CA lies with the historic and architectural interest of the older buildings as well as how these and the grassed areas illustrate how Esher would have looked when it was a coach-stop village on the road between London and Portsmouth. Despite nearby modern buildings and the influence of road traffic, the immediate surroundings to the appeal site retain an attractive sense of Esher's past.
9. The proposed development would be positioned just beyond a slight turn in the pavement where the road branches off southwards from the A307 to the A244. Due to this slight turn, the hub would not be seen until fairly nearby when approaching from a north east direction. However, once at or beyond the turn the development would be clearly seen by pedestrians and drivers heading towards Claremont Lane. Also, it would be seen from the other side of the High Street. Therefore, the proposal would have a noticeable visual effect on the street scene.
10. When looking at the High Street as a whole, it is evident that shop front signage and street furniture items are prevalent. Indeed, just before the turn in the pavement there is a bus shelter with an advertisement panel and the hub would be positioned quite close to these features. However, from the turn and leading up to Claremont Lane the pavement is wide and open with no street furniture other than road signage. As such, the free-standing hub would be conspicuous when looking up the slope from the turn towards the LB. Its position close to the kerb means the development would be prominent within the street scene. Due to its design and prominence, the hub would stand out as an unusual modern feature that would contrast with the historic feel to this part of the CA. Also, its contemporary appearance would draw attention away from the visual qualities of the locality.
11. When approaching from the direction of Claremont Lane, the hub would be seen with the bus shelter and advertisement in the background. Also, from the other

side of the High Street it would be seen against the backdrop of the nearby restaurant and in a wider context containing more street furniture and signs. In such views it would assimilate with its surroundings. Also, the development would be on a fairly open stretch of pavement and so it would not lead to an unacceptable clutter of street features. However, acceptability in these regards does not address nor override the incongruity of the hub and the subsequent harmful visual effect it would have in views from the same side of the road looking towards Claremont Lane.

12. For these reasons, I conclude the development would have a harmful effect on the character and appearance of the area. Also, it would not preserve nor enhance the character or appearance of the CA. In these regards, it would conflict with policies CS9 and CS17 of the Elmbridge Core Strategy 2011 (the CS) and policies DM2 and DM12 of the Elmbridge Local Plan Development Management Plan 2015 (the LP). Amongst other things, these policies seek to ensure development is of a high quality design that preserves or enhances the character and appearance of conservation areas. CS policy CS18 is also referred to but this contains no provisions relevant to this issue.

Setting and significance of the LB (appeal A).

13. The Bear Hotel originates from the early 18th century and has a 19th century façade. Its significance lies with its age as well as the retention of original architectural features that are evident from the street.
14. The proposed hub would be positioned away from the LB but it would be seen in views towards the hotel when approaching up the slope from the A307. As such, the development would affect the LB's setting. Currently, there are clear views of the front and side of the hotel on this approach due to the wide open pavement. These views allow appreciation of the hotel and so contribute positively to the way it is perceived. To a degree, the hub would interrupt these views and draw attention away from the hotel by virtue of its prominence and modern appearance. As such, the development would undermine the appreciation of the hotel's qualities.
15. For these reasons, I conclude the proposal would harm the setting and the significance of the LB. In these respects, it would not accord with CS policies CS9 and CS17 as well as LP policies DM2 and DM12. Amongst other things, these seek to ensure development has regard to its historic context and preserves or enhances the setting of listed buildings.

Heritage balance (appeal A).

16. Having regard to the scale of the development and its visual effects, I consider the proposal would cause less than substantial harm to the significance of the CA and to the setting and significance of the LB. In such circumstances, the Framework states the harm caused should be weighed against the public benefits of the proposal.
17. The hub would provide free-to-use public telecommunication facilities and the Framework states that planning decisions should support the expansion of electronic communication networks. Also, the development would include a defibrillator for public use in medical emergencies. These benefits of the proposal attract moderate weight. At the same time, the Framework says great weight

should be given to the conservation of heritage assets, even if a proposal would cause less than substantial harm to significance. Consequently, the benefits of the proposal would not outweigh the harm caused to the significance of the CA and the LB.

Visual amenity (appeal B).

18. The Planning Practice Guidance states that when assessing the effect of advertisements on amenity, consideration should be given as to whether proposals would be in keeping with important historic features¹. The proposed display would form part of the hub, which I have already found would be harmful to the character and appearance of the CA as well as the setting of the LB. For the same reasons, the modern design and illumination of the electronic display would be out of character and would detract from the visual qualities of the immediate area and the significance of the Bear Hotel. The presence of advertisements and signs on the nearby bus shelters and shops are noted. However, these are different to the proposed display in terms of their appearance and location and so they do not justify nor overcome the particular harmful effects of the proposal.
19. The appellant sets out benefits of the proposed advertisement in terms of it potentially being used to connect the local authority with the public and to promote initiatives. However, such factors do not relate to the interests of amenity or public safety and so they fail to influence my assessment of appeal B.
20. For these reasons, I conclude the advertisement would have a harmful effect on the visual amenity of the area. In these respects, it would not accord with LP policy DM15, which amongst other things seeks to ensure advertisements do not harm visual amenity and are carefully designed to prevent an adverse impact on the historic environment.
21. The proposed display would cause no harm in respect of public safety. Acceptability in these regards does not address nor override the identified harm in regards of amenity.

Conclusions

22. For the above reasons, I conclude appeal A should be dismissed as the proposal would conflict with the development plan and no considerations justify granting planning permission contrary to CS and LP policies. Also, I conclude the proposed advertisement would be detrimental to the interests of visual amenity and so appeal B should also be dismissed.

Jonathan Edwards

INSPECTOR

¹ Planning Practice Guidance, Advertisements - Paragraph: 079 Reference ID: 18b-079-20140306, Revision date: 06 03 2014