



Appeal Decisions

Site visit made on 25 February 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal A: APP/K3605/W/24/3347937

Pavement o/s 15-19 High Street, Walton-on-Thames, Surrey KT12 1DG

- 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 Public Networks Limited against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/1009.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B: APP/K3605/H/24/3347938

Pavement o/s 15-19 High Street Walton-on-Thames, Surrey KT12 1DG

- 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 Public Networks Limited against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/1045.
 - The advertisement proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for the proposed multifunction hub. Appeal B is in respect of the refusal of advertisement consent for the digital signage which would be an integral part of the hub proposed under Appeal A. I have combined the appeals into a single decision letter as they are intrinsically linked and raise similar issues though I have considered each on its individual merits.
3. The appellant's statement also refers to another multifunction hub proposal on land outside Unit 9, New Zealand Avenue, Walton-on-Thames (Ref APP/K3605/W/24/3347943). That appeal is the subject of a separate decision.
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 the relevant development plan policies into account as a material consideration.

Main Issues

5. For appeal A, the main issue is the effect of the proposal on the character and appearance of the area.
6. For appeal B, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

Character and Appearance (Appeal A)

7. The appeal site comprises an area of pavement located to the front of 15-19 High Street which projects into the carriageway creating a pinch point and informal street crossing. The projecting part of the pavement contains 2 planters, 2 street trees, a bench and several bollards. This part of the High Street comprises shops and services at ground floor, with a mixture of residential and commercial units at upper floors.
8. The proposed 'multifunctional hub' contains a phone handset, defibrillator, charging connection and touch screen for interactive services. On the opposite side would be a digital display screen. The hub would be sited between a planter and a street tree, on the built-out section of pavement, leaving a 3m pavement width free from obstruction between the hub and nearest shopfront.
9. In the immediate vicinity are a variety of shopfronts, internally illuminated signage and other street furniture consistent with the commercial character of the area. Modern forms of development are therefore commonplace within the immediate area of the site. Nevertheless, due to its height and bulk, the proposed free-standing structure would appear as a prominent and visually intrusive addition to the street scene. It would add to the existing items of street furniture, resulting in an excessive amount of clutter within the confines of the built-out area of pavement. Consequently, the street scene would feel less spacious for pedestrians.
10. Due to its location, size and bulk, I conclude that the proposal would cause significant harm to the character and appearance of the area. This would conflict with Policies CS3 and CS17 of the Elmbridge Core Strategy adopted 2011 (CS) and Policies DM2, DM15 and DM16 of the Elmbridge Local Plan - Development Management Plan adopted 2015 (DMP). Taken together, and amongst other things, these policies seek to ensure proposals preserve or enhance the character of an area, state that new development should deliver high quality, well designed public spaces and buildings, and ensure that advertisements and telecommunications equipment do not harm visual amenity.
11. The Council have also referred to CS Policy CS18 in their reason for refusal. This relates to development involving town centre uses and their contribution to the vitality and viability of the centre; it is not directly determinative in this case.

Visual amenity (Appeal B)

12. The proposed advertisement display would form part of the hub, which I have already found would be harmful to the character and appearance of the area. Due to its scale, prominent location, and illumination, the electronic display would

unacceptably increase the visual clutter which would be harmful to the visual amenity of the area.

13. I have been referred to examples of other advertisements, notably at bus shelters. There are two bus shelters in the immediate vicinity of the appeal site, but these contain relatively small advertisements which directly relate to bus services and are not comparable to the style or size of advertisement proposed within the hub.
14. The advertisement displays would be static, and I appreciate that the rate of image change and illumination of the advertisement displays could reasonably be controlled by appropriate conditions. However, this would not overcome the harm I have identified above.
15. The appellant suggests that the visual communication could be made available for Councils or public services to connect with the public through advertising initiatives and wayfinding. These factors do not relate to the interests of visual amenity and do not weigh in favour of the proposal.
16. For the reasons set out above, the proposed advertisement would harm the visual amenity of the area. Insofar as it is a material consideration, the proposal would conflict with DMP Policy DM15, which seeks to ensure that advertisements are designed so as not to harm visual amenity, are in proportion to their surroundings and do not result in undue clutter. Whilst the Council have referred to CS Policies CS3 and CS17 and DMP Policy DM2 in their decision, these policies do not directly refer to the control of advertisements and I do not consider them directly relevant.

Other Matters

17. The Council is satisfied that the proposal would be acceptable in terms of public safety. I have no substantive evidence before me which would lead me to a different conclusion. This matter is a neutral consideration in my determination of both Appeal A and Appeal B.

Planning Balance (Appeal A)

18. In respect of Appeal A, paragraph 119 of the Framework states that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social wellbeing. The Framework also seeks to support the expansion of electronic communication networks. The hub would therefore support the Government's aim of improving digital infrastructure.
19. The proposal would also improve communication provision including through Council or other public service messages, and it would enable users to access communication technologies. The hub would include features such as Wi-Fi, USB charging points, free phone calls to land lines and a defibrillator. I note the Council indicates that Walton-on-Thames already benefits from several publicly available defibrillators, but I do not consider this detracts from the important public health benefits of additional availability. The hub would be energy efficient, and the solar panels would assist in reducing the energy demand of the installation. I attach moderate weight to the benefits of the proposal.
20. Nevertheless, when taken together, I do not find that the identified benefits would amount to material considerations that would indicate that the proposal should be decided other than in accordance with the development plan, having regard to the

conflict with it in relation to the significant harm I have identified to the character and appearance of the area.

Conclusion

21. 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.
22. For the reasons given above the proposed advertisement would be harmful to the interests of visual amenity. Therefore, I conclude that Appeal B should be dismissed.

L Francis

INSPECTOR