



## Appeal Decisions

Site visit made on 18 October 2022

**by David Jones BSc (Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2022**

---

### **Appeal A Ref: APP/B1605/W/22/3299712**

#### **Pavement O/S 253 Gloucester Road, Cheltenham GL51 8NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Cheltenham Borough Council.
  - The application Ref 22/00330/FUL, dated 17 February 2022, was refused by notice dated 14 April 2022.
  - The development proposed is the proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
- 

### **Appeal B Ref: APP/B1605/H/22/3299714**

#### **Pavement O/S 253 Gloucester Road, Cheltenham GL51 8NW**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Cheltenham Borough Council.
  - The application Ref 22/00330/ADV, dated 17 February 2022, was refused by notice dated 14 April 2022.
  - The advertisement proposed is the proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
- 

### **Decisions**

1. Appeal A and Appeal B are both dismissed.

### **Procedural Matters**

2. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. In order to avoid repetition, while considering each on its merits, I have dealt with the schemes in a single decision letter.
3. The Regulations regarding advertisements stipulate that control may only be exercised 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.

### **Main Issues**

4. The main issue in respect of appeal A is the effect of the proposal on the character and appearance of the area, and in respect of appeal B the effect on amenity.

## Reasons

5. The appeal site forms part of the pavement on the north-western side of Gloucester Road immediately adjacent to a row of two storey terrace properties comprising retail and commercial frontages to ground floor. Opposite the site on the south-eastern side of Gloucester Road is the rear entrance to Cheltenham Spa Railway Station.
6. The appeal proposal seeks the erection of a BT Street Hub measuring approximately 2.98 metres in height and 1.2 metres in width. The Street Hub would incorporate 2no digital 75" LCD advert screens which would be visible when approaching from both directions along Gloucester Road. Although the Street Hub would occupy the same location as a former BT payphone kiosk, this kiosk was removed from the site at some point between November 2020 and December 2021 and therefore has not formed part of the street scene for some time. The Street Hub would therefore appear as a new addition to this part of Gloucester Road.
7. The street scene in the immediate area of the appeal site is already cluttered with an array of existing features and street furniture including a post box, bus shelter, road signs, bins, highway railings, a streetlight, bike racks, an E-Scooter parking area, and outdoor seating areas.
8. Despite the presence of these existing features, the proposed Street Hub would be prominently located near to the edge of the kerb and would represent a sizeable and eye-catching addition. Its prominence would be further exacerbated by the long straight nature of Gloucester Road which would afford long distance views, particularly when approaching from the south-west. Consequently, by virtue of its size, siting, and the large digital advertisement screens the Street Hub would only serve to add to an already cluttered street scene along this part of Gloucester Road, causing harm to its character and appearance.
9. The row of terraced properties immediately adjacent to the appeal site comprise a range of commercial and retail uses at ground floor level, and as a result include a range of different advertisement signage on their frontages. These advertisements however are largely non-LED displays that are set within a traditional shopfront resulting in them not being unduly prominent within the wider street scene.
10. Similarly, the small number of modest advertisements on the rear of the adjacent Railway Station are subdued and in keeping with the pleasant and traditional appearance of the area. The proposed Street Hub however would introduce a modern, tall, and reasonably wide structure which would be predominately read as two large illuminated digital advertisements. Given the prevailing character of the advertisements I observed within the vicinity, the introduction of prominently sited digital advertisements would appear overly dominant and alien within the street causing harm to the amenity of the area.
11. During my site visit I also observed large billboards located adjacent to a nearby roundabout and the front entrance to the Railway Station. These advertisements however are not viewed within the same context as the appeal proposals and, in any event, do not represent a similar form of advertisement to that proposed. I also acknowledge that the payphone kiosk which previously existed on the site contained two static adverts, however these were not in

digital format and as a result were far less prominent. Accordingly, the existence of advertisements on the previous kiosk does not provide any justification for the appeal proposal.

12. I therefore conclude that the proposals would cause harm to the visual amenity and character and appearance of the area. The proposals would therefore conflict with Policies SL1, D1 and D2 of the Cheltenham Plan (adopted July 2020), and Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031 (adopted December 2017). These policies, among other matters, seek to ensure that proposals respect the character of the site and its surroundings and do not cause harm to the visual amenity of the immediate neighbourhood.

### **Other Matters**

13. I note that the appellant also intends to remove two further telephone kiosks from other locations in Cheltenham. However, this provides no mitigation for the harm that would arise in this location, and in any event, there is no mechanism before me to secure their removal.
14. The appellant refers to pre-application consultation with the Council during which the proposals were described as being acceptable in principle. Despite this initial advice the applications were still refused. Whilst I can sympathise with the appellant's position, the Council is not bound by advice given at pre-application stage.

### **Conclusion**

15. As set out above, the development would cause harm to the visual amenity and character and appearance of the area and would be contrary to the development plan, the National Planning Policy Framework, and the Regulations to control advertisements in this regard.
16. Set against this, it would provide ultra-fast wi-fi access, free charging for mobile devices, wayfinding, emergency 999 call button and public messaging capabilities. I also recognise the social and economic importance of advanced, high quality and reliable telecommunications.
17. However, in the circumstances of this appeal, I consider that these benefits do not outweigh the harm arising from the proposal. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
18. For the reasons given above, I conclude that the appeals should be dismissed.

*David Jones*

INSPECTOR