



---

## Appeal Decisions

Site visit made on 6 June 2023

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 June 2023**

---

### **Appeal A Ref: APP/B1605/W/22/3298818**

#### **Pavement o/s House of Tweed, 195 High Street, Cheltenham GL50 1DE**

- 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 BT Telecommunications Plc against the decision of Cheltenham Borough Council.
  - The application Ref 22/00328/FUL, dated 17 February 2022, was refused by notice dated 4 April 2022.
  - The development proposed is 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/W/22/3298818**

#### **Pavement o/s House of Tweed, 195 High Street, Cheltenham GL50 1DE**

- 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 BT Telecommunications Plc against the decision of Cheltenham Borough Council.
  - The application Ref 22/00328/ADV, dated 17 February 2022, was refused by notice dated 4 April 2022.
  - The advertisement proposed is proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
- 

### **Decision**

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

### **Preliminary Matters**

3. The two appeals relate to the same site. Appeal A relates to the refusal of planning permission for the installation of a 'Street Hub'. Appeal B is against the refusal of advertisement consent. The two appeals are therefore linked and raise similar issues. While I have determined each appeal on its own merits, in the interests of conciseness, I have largely dealt with the appeals together in my reasoning.

### **Main Issues**

4. The main issue for Appeal A is whether the development would preserve or enhance the character or appearance of the Cheltenham Central Conservation Area (CA) or the setting of a nearby listed building.
5. The main issue for Appeal B is the effect of the advertisement on visual amenity, having regard to the CA and nearby listed building.

## **Reasons (Appeal A and B)**

6. The site is within the CA which covers a large part of the town centre. The appeal site is within the area identified by the Council as the 'Old Town' character area, the significance of which lies in its reflection of Cheltenham's historic layout and street pattern. High Street is particularly important in this regard. It also contains a number of notable buildings and a variety of architectural styles, many of which make a positive contribution to the character and appearance of the area.
7. An example of such a building is 2-4 Promenade, which is Grade II listed and sits roughly opposite the appeal site. This is a 19<sup>th</sup> Century three-storey bank that exhibits a high degree of architectural interest and grandeur. It also takes up a prominent position on the corner of High Street and Promenade. Opposite this, and on the same stretch of pavement as the appeal site, is 197-199 High Street. This is considered by the Council as a key unlisted building which is also situated in a prominent corner location and exhibits striking architectural features, including classical columns and a pediment above the ground floor. This building clearly contributes to the significance of the CA. Other buildings in the immediate vicinity of the site differ in age and character, which is not surprising given the town centre location. Nevertheless, these two notable buildings help to frame the view up High Street, particularly from the junction with Clarence Street.
8. This is a busy part of the town centre and is characterised by a mix of commercial properties. As would be expected, there are already examples of existing street furniture in the vicinity, including streetlamps, CCTV columns, bollards, waste bins, seating and signage. However, the area of pavement in the vicinity of the site remains relatively uncluttered and open. Importantly, neither of the kiosks the application suggests would be replaced are in the immediate vicinity of the appeal site and thus the development would not constitute a like-for-like replacement.
9. Albeit relatively slender, the structure would be quite wide and tall, at almost 3m in height, and would feature high-definition illuminated changing advertisements. It would have a bright and monolithic appearance quite unlike any of the street furniture already in place. The nature of the advertisement would also differ to that of the shop signage, which is largely not illuminated and/or static. Any street or shop front lighting would not appear the same as the proposal or have the same effect. The development would therefore be introducing a large, prominent and somewhat discordant feature into a part of the pavement which is currently open, consequently creating additional street clutter in the process.
10. From several perspectives, the development would be seen in context with the two buildings referred to above. Given its size and nature, it would be seen as a jarring feature, strikingly at odds with the character of these buildings. While there are more modern buildings of less architectural merit in the same views, the development would nevertheless serve to distract and detract from the significance of the designated and non-designated heritage assets. There are no conditions that could be imposed that would satisfactorily mitigate these impacts.
11. In terms of Appeal A, the development would result in an incongruous and harmful addition to the street scene that would fail to preserve the character or

appearance of the conservation area. It would also fail to preserve the setting of a Grade II listed building. Accordingly, there would be conflict with policies D1, HE1, HE3 of the Cheltenham Plan (2020) and policies SD4 and SD8 of the Joint Core Strategy (2017). Amongst other things, these policies seek to ensure development makes a positive contribution to local character and distinctiveness and preserves the significance of designated and non-designated heritage assets.

12. The harm identified to the designated heritage assets would be less than substantial. In this context, paragraph 202 of the National Planning Policy Framework (the Framework) requires any harm to be weighed against the public benefits of the proposal. I return to this issue below.
13. In terms of Appeal B, the development would have an unacceptable impact on visual amenity. I have had regard to the policies set out above where they are material to this issue. As I have found harm to visual amenity it follows there would be conflict with these policies.

### **Other Matters and Planning Balance**

14. The appellant has identified several potential public benefits associated with the development. These include access to wi-fi, interactive technology and wayfinding tools, device charging and ability to make emergency calls. There may be some benefits associated with this, but these would be limited in scale and extent. The appellant has also suggested the installation would contribute to various Council transport, technology and economic strategies. While there may be some synergy between elements of these strategies and the purported benefits of the proposal, the scale of any benefits associated with any single 'street hub' must be limited. Notwithstanding the importance the Framework places on high quality communications, these benefits do not carry significant weight in favour of the proposal.
15. As noted above, the development would ostensibly facilitate the removal of two existing telephone kiosks, one of which is relatively close to the site. However, the second is some distance away and has no clear visual or physical relationship with the proposal. Nevertheless, the removal of two somewhat dated kiosks may provide some localised improvements to the character and appearance of the CA which would be of some public benefit. While important, such benefits would be tempered significantly by the harm caused by the development.
16. I am not therefore persuaded that the public benefits would outweigh the harm identified to the significance of the CA as a whole or the setting of the listed building. As such, there would be conflict with paragraph 202 of the Framework.
17. The appellant has drawn my attention to approvals for similar forms development elsewhere in Cheltenham. However, these applications appear relatively dated and do not relate to the same type of installation. On this basis, they have limited relevance to the proposal before me. My attention has also been drawn to a number of appeal decisions which the appellant considers relevant. However, it is inevitable that whether or not such installations are acceptable will be determined by the specific context of any proposal. The appeals referred to are from different locations and there is no clear evidence

they are directly comparable to the proposal before me. Accordingly, these examples add no particular weight in favour of the development.

18. Although I have not found against the advertisement in terms of highway safety, this does not outweigh my concerns over the impacts on amenity.

**Conclusion**

19. Having regard to the above, there are no material considerations that would outweigh the concerns identified. I therefore find that both appeals should be dismissed.

*S J Lee*

INSPECTOR