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## 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

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### **Appeal A Ref: APP/B1605/W/22/3298821**

#### **Pavement o/s 23 & 23a Pittville Street, Cheltenham GL52 2LN**

- 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 22/00326/FUL, dated 19 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).
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### **Appeal B Ref: APP/B1605/W/22/3298822**

#### **Pavement o/s 23 & 23a Pittville Street, Cheltenham GL52 2LN**

- 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 22/00326/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).
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### **Decision**

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

### **Preliminary Matters**

3. The two appeals relate to the same site. Appeal A is against 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 (Appeals A and B)**

6. The site is within the CA which covers a substantial area. The site itself is in the 'Old Town' character area of the CA, the significance of which lies in its reflection of Cheltenham's historic layout and street pattern. It contains a number of notable buildings and a variety of architectural styles, which collectively make a positive contribution to the character and appearance of the area. It is also a busy retail area with mainly shops and other commercial units on the ground floor. This also clearly forms a key part of the area's character.
7. Pittville Street leads off from High Street and is characterised mainly by three storey commercial buildings, with retail on the ground floor. The buildings on the same side of the street as the appeal site appear generally older and, though mostly not ostentatious in design or detailing, are in-keeping with the overriding character and history of the CA. 17 Pittville Street is a Grade II listed building which provides a good example of this. This is a three-storey 19<sup>th</sup> century building, originally built as a home and later converted to a shop. The building is of interest architecturally but also in terms of illustrating how the town centre has evolved over time.
8. The buildings on the opposite side of the road are modern additions which neither reflect the design or palette of materials found more generally in the CA. Indeed, the Council's 'Old Town Character Area Appraisal' (2007) identifies 20<sup>th</sup> century buildings on Pittville Street as being negative aspects of the area.
9. The commercial development along the street includes mainly non-illuminated and static signage. It also contains a row of bus stops, again on the same side of the road as the proposal, and other elements of street furniture, including streetlamps, waste bins, some signage and street trees. Most of this is located at the edge of the pavement. The proposed 'Street Hub' would directly replace an existing telephone kiosk which sits between a bus stop and tree. Another bus stop sits immediately adjacent to the tree.
10. The existing kiosk now appears somewhat dated and does not complement the overriding 'regency' character of the CA. Nevertheless, it is not completely out of keeping with the other more modern street furniture, including the bus stops. In this context, it does not stand out as an overtly incongruous feature in the street scene.
11. The proposal would directly replace the kiosk and would not add to the amount of 'clutter' on the street, but similarly it would not serve to reduce it. It would be of a distinctly different design and discernibly taller than the existing kiosk and be illuminated on both sides with high-definition displays and changing advertisements. Thus, it would be a far more prominent, overt and intrusive structure than what is currently in place. While there is already advertising on the side the bus stops and kiosk, these are all static. The adverts on the kiosk are also not illuminated. In this respect, the development would not be a like-for-like replacement or be complementary to the existing advertising on the street.
12. Although there is a significant amount of shop signage in the street, these are generally not illuminated and are relatively low-key in appearance. This cannot

be said of the proposal which, by virtue of its illuminated and monolithic appearance and height would be a visually striking feature.

13. The row of bus stops and trees would provide a degree of screening from some perspectives. Nevertheless, the structure and adverts would still be prominent in many views both up and down the street and by the large number of passers-by. In shorter distance views, it could also be seen in context with 17 Pittville Street. The overtly modern appearance of the development would serve to detract from the quality of this building. While the same could be said of the existing kiosk and other street furniture, the scale, design and illuminated nature of the proposal would be significantly more prominent and harmful than what is currently in place.
14. While the street might also be well-lit, and both the kiosk and shop windows may well be illuminated themselves at times, the effect of this is considerably different to the nature of the illuminated displays being proposed. This feature of the street does not justify what is being proposed and would not replicate what is being replaced. Moreover, there are no conditions that could be imposed to satisfactorily mitigate the harm that would be caused.
15. The development would therefore not have a beneficial or even neutral impact on the character of the area. While it would not add to the amount of clutter on the street, it would nevertheless introduce a large, prominent and incongruous feature into the street scene. Notwithstanding the architectural quality of the buildings opposite, this feature would not complement the overarching character of the street or wider CA and would thus detract from the heritage value of the area.
16. Accordingly, in terms of Appeal A, the development would fail to preserve the character and appearance of the CA or preserve the setting of the listed building. It would therefore 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 preserve the significance of designated heritage assets.
17. 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.
18. In terms of Appeal B, the advertisement would cause unacceptable harm to visual amenity. I have had regard to the policies set out above where they are material to this issue. As I have found harm in this respect, it follows there would be conflict with these policies.

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

19. 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 these, but they 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.

20. The evidence refers to the replacement of the existing kiosk on Pittville Street. It also refers to the removal of another on Rodney Street, which is some distance from the site and has no direct physical or visual relationship. Any benefits that might be derived from removing the Pittville Street kiosk would not be achieved as it would be replaced by a more harmful structure. The complete removal of the kiosk from Rodney Street may provide some localised public benefits relating to the character of the CA. Nevertheless, these would not outweigh the harm caused by the development.
21. I am not therefore persuaded that the public benefits of the development would outweigh the harm identified to the significance of the CA as a whole or the setting of the listed building. Accordingly, there would also be conflict with paragraph 202 of the Framework.
22. The appellant has drawn my attention to approvals for similar forms of 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 several appeal decisions that 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.
23. 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**

24. Having regard to the above, there are no material considerations that would outweigh the conflict with the development plan as a whole or harm caused to visual amenity. I therefore find that both appeals should be dismissed.

*S J Lee*

INSPECTOR