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## Appeal Decisions

Site visit made on 1 May 2011

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 May 2012

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**Appeal Ref: APP/H0738/A/12/2169781 (Appeal A)**  
**2-4 Shannon Crescent, Stockton-on-Tees, Cleveland, TS19 7JJ**

- 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 Bankmachine against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 11/3056/RET, dated 2 December 2011, was refused by notice dated 23 January 2012.
  - The development proposed is automated teller machine (ATM).
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**Appeal Ref: APP/H0738/H/12/2169826 (Appeal B)**  
**2-4 Shannon Crescent, Stockton-on-Tees, Cleveland, TS19 7JJ**

- 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 Bankmachine against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 11/3057/ADV, dated 2 December 2011, was refused by notice dated 23 January 2012.
  - The advertisement proposed is one internally-illuminated cash machine advert.
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### Decisions

1. Appeal A is allowed and planning permission is granted for automated teller machine (ATM) at 2-4 Shannon Crescent, Stockton-on-Tees, Cleveland, TS19 7JJ in accordance with the terms of the application, Ref 11/3056/RET, dated 2 December 2011, subject to the following conditions:
  - 1) Within three months of the date of this decision a roller shutter shall be installed over the ATM hereby permitted, in accordance with details which shall have been previously submitted to, and approved in writing by, the Local Planning Authority. The shutter shall thereafter be retained.
  - 2) The roller shutter shall be closed to enclose the ATM hereby permitted between the hours of 22:00 and 06:00 every day and the ATM shall not be open for use during these hours.
2. Appeal B is allowed and consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### Main Issues

3. The main issues are the effects of the ATM and its advert on (i) the living conditions of nearby residents having particular regard to noise and

disturbance (ii) highway safety, and (iii) the character and appearance of the area.

### Reasons

4. During my visit to the site I saw four people use the ATM, all of whom also visited the adjoining shop, which itself appeared to be well used. No doubt some people are attracted to Shannon Crescent only to use the cash point although I consider that, during the opening hours of the shop (06:00 – 22:00), and whether travelling on foot or by car, they are unlikely to cause a significant amount of additional noise/disturbance over and above that associated with customers of the shop or pedestrians and/or vehicles travelling along the road more generally.
5. However, after 22:00, I envisage that the road is generally much quieter and that people attracted to the street to use the cash point could disturb local residents, particularly when they are trying to sleep. Nevertheless, the conditions suggested by the Council would prevent use of the ATM after 22:00 and before 06:00. Consequently, so conditioned, I am satisfied that the ATM would not cause unacceptable harm to the quality of life or living conditions of local residents.
6. The part of Shannon Crescent near the ATM has been, for some years, a one-way street and there is no firm evidence that there have been any significant problems of abuse of the system either since its introduction or since the installation of the cash point. I am also not aware of any road safety incidents involving cars parked at the shop/ATM. I see no reason why this should change in the future and thus, noting the lack of objection of the Council's highways officers, I conclude that the ATM is unlikely to cause significant highway safety problems.
7. The ATM and its illuminated advert are of standard design. Whilst it is of commercial appearance its size means that it is a relatively 'low-key' feature of the street scene and I envisage that it is so even during the hours of darkness. It is no more prominent than, nor out of keeping with, the numerous signs of the shop or, indeed, the road's illuminated traffic signs. Although it is not immediately adjacent to the shop signs it appears as being very much part of the commercial premises. Moreover, the suggested roller shutter condition would obscure the machine and its illumination during the hours the shop is shut. Whilst I appreciate that some residents do not like to look at it, I therefore conclude the machine/advert causes no significant harm to the character or appearance of the area.
8. I sympathise with the mostly elderly, local residents who have been upset by the presence of the shop and cash machine and I note the argument that the machine is not needed. However, this does not justify refusal of permission/consent for the ATM/advert given that I have found that, conditioned to prevent its use only between 06:00 and 22:00, it is likely to cause no demonstrable harm. The Council has not referred to any local Development Plan policies in connection with its refusal of the application and since the submission of the appeal the *National Planning Policy Framework* has been published, replacing most previously existing national planning policy guidance. I find the appeal schemes have no conflict with the Framework including its core principles (para 17) that development should take account of

the character of its locale and should ensure a good standard of amenity for occupants of buildings.

9. For the above reasons, and having regard to all other matters raised, including the comments of support for the appeal, the concerns that the applications are retrospective ones and the reported discussions between local residents and the owners of the shop, I conclude that both appeals should be allowed. As indicated above conditions are necessary requiring the installation and use of a roller shutter to prevent use of the ATM between 22:00 and 06:00.

*Malcolm Rivett*

INSPECTOR