

## Appeal Decision

Site visit made on 8 December 2016

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 13 January 2017**

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**Appeal Ref: APP/L5240/Z/16/3158981**

**Telephone kiosk outside 104 North End, Croydon CR0 1UD**

- 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 New World Payphones against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/03044/A, dated 15 June 2016, was refused by notice dated 11 August 2016.
  - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal relates to an advertisement to be displayed on a proposed telephone kiosk that would replace existing kiosks. Approval for the kiosk itself is not sought through this application as that would fall under other regulations.

### Main Issue

3. The main issue is the effect of the internally illuminated digital panel on the visual amenity of the area.

### Reasons

4. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
  5. The telephone kiosk would be located on the pedestrianised North End within the centre of Croydon and within Central Croydon Conservation Area. The Central Croydon Conservation Area Appraisal and Management Plan shows that 104 North End, its attached neighbours and a building to the opposite side of the street and adjacent to the site of the telephone kiosk are locally listed buildings that contribute to the special character of the conservation area.
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6. The proposed telephone kiosk would incorporate a digital screen to the reverse of the kiosk that would display advertisements, which would change frequently through a smooth fade. However, an illuminated and frequently changing advertising display of this type in the middle of this busy shopping street would be prominent within the street scene.
7. I accept that along North End is a variety of shop front signage that is mostly illuminated, predominantly either externally lit or with individual lettering internally lit. However, the proposed internally illuminated digital panel would be in a different position within the street scene such that it would be prominent and uncharacteristic of this location within Croydon town centre and Central Croydon Conservation Area. The whole advertisement would be internally illuminated, rather than individual elements as with most internally lit shop fronts.
8. The illumination of the digital display would alter to reflect ambient light levels, such that the light levels would be reduced when it is dark to limit glare. However, despite this, the digital display would dominate the centre of the street in this location.
9. The size of advertisement would take up much of the rear panel of the kiosk, but would provide visual interest to what would otherwise be a blank panel and would reflect the size of advertisements on other street furniture and windows of the kiosks to be replaced. Consequently, whilst the size of the proposed advertisement would be acceptable, the illumination of the frequently changing digital display means that the advertisement would not preserve or enhance the character or appearance of the conservation area and would harm the setting of the adjacent locally listed buildings.
10. The design of the proposed kiosk reflects that of traditional K2/K6 kiosks and would be more attractive than the kiosks to be replaced and the means of illumination may be more environmentally friendly than other means of illumination. There would be economic benefits from the advertisement for the appellant and the wider economy, and I note that no objection has been raised by the Mid-Croydon Conservation Area Advisory Panel. However, these matters would not outweigh the harm that I have found.
11. For these reasons, I conclude that the proposed internally illuminated digital panel on the telephone kiosk harms the visual amenity of North End. The proposed advertisement would be contrary to Policies 4.1 and 4.11 of the Croydon Local Plan – Strategic Policies, Policies UC3, UC9 and UD5 of the Croydon Replacement Unitary Development Plan (UDP), Policies 7.6 and 7.8 of the London Plan and the National Planning Policy Framework. These policies seek to protect amenity and public safety, contribute positively to the public realm, promote local character to strengthen the sense of place and conserve and enhance the historic environment. The Council also refer to Policy UD4 of the UDP, but this relates to shop front design so would not be directly relevant to this proposal. As a result, the appeal is dismissed.

*AJ Steen*

INSPECTOR