
Appeal Decision

Site visit made on 28 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 20 March 2017

Appeal Ref: APP/L5240/Z/17/3166408
103 Church Road, Croydon SE19 2PR

- 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 Ms Jan Clark, Notemachine UK Ltd, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03250/P, dated 23 June 2016, was refused by notice dated 19 August 2016.
 - The development is described as the retention of the ATM installed to the far right hand side of the shop front and the removal of the white composite panel with the glazing reinstated as a through glass installation. No illumination to the ATM surround.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development appears to be complete. For the avoidance of doubt, I have based my decision on the drawings accompanying the application.
3. Whilst the application form includes details of the advertisement above the automated teller machine (ATM), this is the subject of separate control. I have dealt only with the ATM element of the proposal. Advertisement consent has been granted, however, it does not influence the matters in this appeal.

Main Issue

4. The Council concludes that the ATM does not fail to preserve or enhance the character or appearance of the Upper Norwood Triangle Conservation Area. I have no reason to disagree with that conclusion. Therefore the main issue is whether the ATM is suitably sited with regard to the safety of those using it.

Reasons

5. The ATM is located in the frontage of a shop close to the junction of the A212 and A214. It has been fixed by the end which returns into an unenclosed, recessed area containing the street door to flats above.
 6. The Police Crime Prevention Officer is concerned that the development results in an unacceptable risk of crime and anti-social behaviour to the public in an area subject to high levels of violence, theft, and anti-social behaviour. The main risk identified is the recessed area immediately to one side of the ATM, which the Council considers allows potential offenders to conceal themselves
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- and to either steal from users of the ATM or to record the PIN numbers of those using the ATM, for subsequent misuse.
7. I share the police concern that the recessed area beside the ATM provides a space for loitering and creates a potential threat to users of the ATM. Additionally, I found that the footway is narrow which, when combined with the recess adjoining the ATM, provides the opportunity to distract the concentration of the ATM user.
 8. I note the street lights at the junction, however, they are high, and the depth of the recess and the dark colour of its reveals provide a degree of shadow in which a potential offender can remain concealed. Given the limited width of the footway, I doubt the effectiveness of a privacy zone in this location. A pin shield and mirror have limited effectiveness in preventing loitering in the recess, and do not outweigh the fundamental risk presented by concealment in the recessed area next to the ATM. I note that the shop has cameras; however it is not clear if any cover the ATM. In any event, the threat to those using the ATM includes observation and being followed off-site, away from any cameras.
 9. I acknowledge the statistics of crime in the vicinity provided by the appellant which exclude any crimes connected with the ATM. However, the Council reports that the area has a high level of crime. The lack of any crime directly related to this ATM does not overcome the harm to safety identified above. I have taken account of the letters of support for the application as well as the utility of the ATM, but these do not undo the risk presented by its location.
 10. The Council also raises the potential for the ATM to be robbed, though as I noted posts placed in front of the ATM, and given the configuration of the recessed area, I do not rate this risk as high. Most of the shop front is obscured by posters which limits natural surveillance from the shop. The immediate area, while busy with commercial uses and people passing-by on the streets, is bisected by the road junction which limits the effectiveness of this natural surveillance.
 11. The siting of the ATM has an unacceptably harmful effect on the safety of those using it. It conflicts with Policy 7.3 of the London Plan 2015 which sets out that development should reduce the opportunities for criminal behaviour and contribute to a sense of security. It is at odds too with Policy UD6 of the Croydon Replacement Unitary Development Plan 2006 which says that safety and security are an intrinsic consideration in the detailed design and layout of buildings and the spaces around them, helping to deter crime and to reduce the fear of crime. It also runs against the National Planning Policy Framework (paragraph 69) which says that decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR