
Appeal Decisions

Site visit made on 1 March 2017

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a person appointed by the Secretary of State for Communities and Local Government

Decision date: 21 March 2017

Appeal A Ref: APP/L5810/Z/16/3161511

Telephone Kiosk Outside 171B High Street, Hampton Hill, London

- 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 Mrs Owen Elaine *sic* (New World Payphones) against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 16/2707/ADV, dated 5 July 2016, was refused by notice dated 26 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal B Ref: APP/L5810/Z/16/3161516

Telephone Kiosk Outside 63 Broad Street, Teddington, TW11 8QZ

- 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 Mrs Elaine Owen (New World Payphones) against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 16/2697/ADV, dated 5 July 2016, was refused by notice dated 26 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal C Ref: APP/L5810/Z/16/3161877

Telephone Kiosk Outside 62 to 64 Heath Road, Twickenham, TW1 4BX

- 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 Mrs Elaine Owen (New World Payphones) against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 16/2698/ADV, dated 5 July 2016, was refused by notice dated 31 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Appeal D Ref: APP/L5810/Z/16/3161878

Telephone Kiosk Outside 29 London Road, Twickenham, TW1 3SZ

- 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 Mrs Elaine Owen *sic* (New World Payphones) against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 16/2701/ADV, dated 5 July 2016, was refused by notice dated 31 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decisions

Appeal A Ref: APP/L5810/Z/16/3161511

Telephone Kiosk Outside 171B High Street, Hampton Hill, London

1. The appeal is dismissed.

Appeal B Ref: APP/L5810/Z/16/3161516

Telephone Kiosk Outside 63 Broad Street, Teddington, TW11 8QZ

2. The appeal is dismissed.

Appeal C Ref: APP/L5810/Z/16/3161877

Telephone Kiosk Outside 62 to 64 Heath Road, Twickenham, TW1 4BX

3. The appeal is dismissed.

Appeal D Ref: APP/L5810/Z/16/3161878

Telephone Kiosk Outside 29 London Road, Twickenham, TW1 3SZ

4. The appeal is dismissed.

Preliminary matters

5. The name of the appellant in the header above is taken from the original application forms. In all four appeals the correct name of the appellant is Mrs Elaine Owen.
6. Whilst the appeals relate to different sites, the nature of the proposed advertisement in each case is the same. Although the appeals have been considered on their individual merits, they have been dealt with in one decision letter because they raise similar issues.
7. In each case it is proposed to replace existing telephone kiosks. An illuminated digital advertising panel measuring 1650mm high and 928mm wide would be integrated into the reverse side of the new kiosk structure. Static sequential images would be displayed. The change between images would occur no more than every 10 seconds and the transition would be via smooth fade. The brightness during hours of darkness would not exceed 280cd/m².
8. The new kiosks take their design inspiration from the K6 kiosk, designed by Sir Giles Gilbert Scott in 1935. Whilst the aesthetic design and functional benefits over the existing kiosks are noted, particularly that it provides open access for all users, prior approval is required for the installation, alteration or replacement of a telephone kiosk.
9. The appeals in these cases are made against the refusal of express consent for the digital display panels on the reverse side of the kiosk structures. It is the effect of these advertisements that are at issue in the appeals. Although the economic benefits of outdoor advertising are acknowledged, as are the benefits of digital displays over traditional forms of advertising, The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 ('the Regulations'), makes it clear that advertisements are subject to control only in the interests of amenity and public safety.

10. The parties have drawn attention to Development Plan policies and parts of the National Planning Policy Framework ('the Framework'), Planning Practice Guidance ('PPG') and local design guidance which they consider are pertinent to the appeals. In particular, it is noted that Policy DM DC8 of the Council's Development Management Plan 2011 ('DMP') specifies that strict control will be exercised over the design and siting of advertisements to ensure that the character of streets is not demonstrably harmed, having regard to the interests of amenity and public safety, and highway safety. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations.

Appeal A: Telephone Kiosk Outside 171B High Street, Hampton Hill, London

Main issues

11. The main issues in this case are:

- i) The effect of the proposed advertisement on the visual amenity of the area.
- ii) The effect of the proposed advertisement on public safety.

Reasons

i) Visual amenity

12. The appeal site is located within Hampton Hill Local Centre, in front of a three storey flat roof building. The building has commercial uses on the ground floor and forms a small parade that is set well back from the road.
13. A positive feature of the locality is the line of trees which stand between the parade and the road. However, the contribution they make to the character of the area is undermined by a plethora of adjoining street furniture. The resulting cluttered appearance is emphasised by the advertisements attached to a BT kiosk, the appellant's back to back kiosks and a bus shelter.
14. The appellant's existing vinyl advertising is positioned parallel to the road. In the proposed scheme it would be orientated to be south facing. As a consequence, when approaching from the south-east and obliquely viewed in combination with the BT kiosk and bus shelter, there would be the impression of a continuous wall of advertisements. The excessive visual clutter would be accentuated by the digital display's illumination and its changing images. The advertisement would therefore have an unacceptably harmful effect on the visual amenity of the area and it would conflict with relevant policies and guidance.

ii) Public safety

15. The proposed advertisement would be in close proximity to a bus stop and face oncoming traffic on a busy and often congested road. Nevertheless, such digital displays are now commonly experienced by road users in London. Subject to appropriate conditions being imposed which control the brightness and ensure that only static images are displayed, the advertisement would not be an undue distraction to road users. The proposal would therefore not endanger

public safety and it would not conflict with relevant aims and objectives of the Framework.

16. Notwithstanding the finding on public safety, the identified harm in respect of the visual amenity of the area is a compelling and overriding consideration in this case. Accordingly, it is concluded that Appeal A should be dismissed.

Appeal B: Telephone Kiosk Outside 63 Broad Street, Teddington, TW11 8QZ

Main issues

17. The main issues in this case are:

- i) The effect of the proposed advertisement on the visual amenity of the area.
- ii) The effect of the proposed advertisement on public safety.

Reasons

18. The Council's Officer Planning Report states that the application relates to 'one of a pair of telephone boxes sited on the pavement outside 63 Broad Street (recently taken over by Holland and Barrett)'. However, the appellant's Grounds of Appeal explain that the appeal site is more accurately described as being located outside 61 Broad Street and refers to the replacement of a kiosk, in the singular, located in front of a Costa coffee shop.
19. The appellant's description broadly accords with the position identified on the location plan submitted in accordance with the Regulations. The plan itself is annotated 'Telephone kiosk outside 61 Broad Street'. There is also a supporting photograph which shows the existing single kiosk in the foreground. Consequently, the application put before the Council and which is the subject of this appeal relates to the replacement of the single kiosk located in front of the Costa coffee shop at No 61, rather than the two kiosks located outside Holland and Barrett to the east.
20. The submitted location plan and supporting photograph indicate that the replacement kiosk would move a short distance to the south from the existing position, closer towards the pavement edge.
- i) Visual amenity*
21. The appeal site is located within Teddington Town Centre, in front of a retail parade with associated internally and non-illuminated fascia signage. There are also higher level small projecting signs. A distinguishing part of the character of the area is that illuminated advertisements do not generally spill out beyond the shop frontages. Notable exceptions are the bus shelters located on either side of Broad Street, both of which have two advertisement panels that are positioned parallel to the road.
22. The existing kiosk is positioned so that its northern elevation aligns with the front of the nearby Boots store. It thereby has a visually close relationship with the retail premises in the street scene. In contrast, the proposed replacement kiosk, sited further to the south, would occupy a more prominent and isolated position. The associated digital advertisement panel would be sited at a right angle to the road, facing towards the west. Owing to a combination of its

position, size and illumination, it would appear as an unduly strident and uncharacteristic feature within the street scene. As a consequence, it would have an unacceptably harmful effect on the visual amenity of the area and it would conflict with relevant policies and guidance.

ii) Public safety

23. Notwithstanding the proposed advertisement's relatively close proximity to a bus stop to the east, such digital displays are now commonly experienced by road users in London. Subject to appropriate conditions being imposed which control the brightness and ensure that only static images are displayed, the advertisement would not be an undue distraction to road users or prejudicial to public safety in this regard.
24. However, the existing kiosk is positioned so that it is in alignment with various items of street furniture and a tree. This alignment ensures there is a wide space for the free flow of pedestrians between the street furniture and the pavement edge. The proposed location of the advertisement and supporting structure would occupy a position roughly in the middle of the identified wide space. It would present an obstruction to the free flow of pedestrians and channel their movements to constricted corridors on either side of the new kiosk.
25. Owing to the narrowness of the southern corridor and the way in which the advertisement and supporting structure would block the inter-visibility of pedestrians approaching one another, it is likely to encourage members of the public to step off the footway and into the road. This would be particularly hazardous when buses are seeking to remain close to the kerbside edge in order to access the nearby bus stop. The proposal would therefore endanger public safety and it would conflict with relevant aims and objectives of the Framework. For the reasons given above, it is concluded that Appeal B should be dismissed.

Appeal C: Telephone Kiosk Outside 62 to 64 Heath Road, Twickenham, TW1 4BX

Main issues

26. The main issues in this case are:

- i) The effect of the proposed advertisement on the visual amenity of the area.
- ii) The effect of the proposed advertisement on public safety.

Reasons

i) Visual amenity

27. The appeal site is located within Twickenham District Centre, in front of a two storey building with commercial uses occupying the ground floor. The kiosk would be positioned close to the edge of the pavement at a prominent point on a sweeping bend in the road. In the vicinity of the site there is a mix of externally and internally illuminated fascia signage. However, despite the predominantly commercial character of the area, there is a notable absence of on-street commercial advertising and it is largely confined to the non-illuminated vinyl advert applied to the existing kiosk.

28. As a consequence, the introduction of a sizable west facing internally illuminated digital display panel to this part of Heath Road would appear as a visually intrusive and incongruous feature. The proposed advertisement would therefore have an unacceptably harmful effect on the visual amenity of the area and it would conflict with relevant policies and guidance.

ii) Public safety

29. The position identified on the location plan indicates the replacement kiosk would move a short distance to the west of the existing facility. Whilst this would be closer to a junction with Holly Road, the access to Holly Road is narrow and it primarily serves the rear of the premises that front Heath Road. As a result, it is not a busy or complex junction. Subject to appropriate conditions being imposed which control the brightness and ensure that only static images are displayed, the advertisement would not be an undue distraction to road users.
30. Despite the proposed move further to the west, the replacement kiosk would appear to maintain the same alignment on the footway, sited between a lamp post and a tree. Although it would be a little wider than the existing kiosk, the structure and the digital panel would not tangibly impede the free flow of pedestrians along the footway.
31. The proposal would therefore not raise undue highway safety concerns or adversely impact the environment for pedestrians. It would not endanger public safety and it would not conflict with relevant policies and guidance, including Policy DM TP 6 of the DMP which seeks to protect the pedestrian environment.
32. Notwithstanding the finding on public safety, the identified harm in respect of the visual amenity of the area is a compelling and overriding consideration in this case. Accordingly, it is concluded that Appeal C should be dismissed.

Appeal D: Telephone Kiosk Outside 29 London Road, Twickenham, TW1 3SZ

Main issues

33. The main issues in this case are:

- i) The effect of the proposed advertisement on the visual amenity of the area.
- ii) The effect of the proposed advertisement on public safety.

Reasons

34. The appeal form refers to the site address as being 'Telephone Kiosks in front of Burger King, 33-35 London Road'. The appellant's Grounds of Appeal also includes a plan which identifies the appeal site as being in front of Burger King. That site corresponds with the location of two existing New World Payphone kiosks and lies outside the Twickenham Riverside Conservation Area (CA).
35. However, the original application form and associated plan, submitted in accordance with the Regulations, identified the application site as being Telephone box/kiosk 'outside 29 London Road'. That site falls within the CA and corresponds with the address on the Council's decision notice.

36. The appeal must be considered on the basis of the application that was put before the Council, namely the site 'outside 29 London Road'. As this falls within the CA, it is necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

i) Visual amenity

37. The appeal site is located within Twickenham District Centre, in front of a four storey modern building with commercial uses, mainly A3, occupying the ground floor. The building has associated fascia signage which is largely externally illuminated and higher level small projecting signs.

38. A distinguishing element of the character of this part of the CA is that illuminated advertisements do not spill out beyond the commercial frontages. Indeed, commercial on-street advertising is largely limited to small A-frame signs positioned close up to the respective premises. As a consequence, the introduction of a sizable internally illuminated digital display panel to this part of the CA would appear as an unduly dominant, visually intrusive and incongruous feature.

39. The proposed advertisement would therefore have an unacceptably harmful effect on the visual amenity of the area. It would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with relevant policies and guidance including Policy DM HD1 of the DMP which sets out that proposals should conserve and enhance the character and appearance of CAs.

ii) Public safety

40. Such digital displays are now commonly experienced by road users in London. Nevertheless, the PPG notes that proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It identifies pedestrian crossings as an example.

41. In this case the south facing digital display would be positioned directly alongside a pedestrian crossing. The sequentially changing images would be a distraction when drivers should be taking care to concentrate on the lights of the crossing and any pedestrians wishing to cross. In certain circumstances the display and supporting structure would also obstruct a road user's clear view of pedestrians seeking to make a last second dash to cross.

42. The proposal would therefore raise highway safety concerns and adversely impact the environment for pedestrians. It would endanger public safety and it would conflict with relevant policies and guidance, including Policy DM TP 6 of the DMP which seeks to protect the pedestrian environment. Accordingly, it is concluded that Appeal D should be dismissed.

Conclusion

43. For the reasons given above and having regard to all other matters raised, it is concluded that all four appeals should be dismissed.

C J Ford

APPOINTED PERSON