

Appeal Decision

Site visit made on 14 March 2017

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 23 March 2017

Appeal Ref: APP/G5180/Z/16/3160964

Bus Shelter Outside British Heart Foundation, 59 High Street, Bromley BR1 1JY

- 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 Ms Joanna Kujawska of JCDecaux UK Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03475/ADV, dated 15 September 2015, was refused by notice dated 9 September 2016.
 - The advertisement proposed is a double-sided freestanding forum structure featuring 2 x 84" digital screen positioned back to back.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Rather than using the address on the application form I have used the above address as it accurately describes the site the subject of the appeal.

Main Issue

3. The main issue is the effect of the proposed advertisement on public safety.

Reasons

4. The proposed sign would be installed on one end of a bus shelter which is situated outside the British Heart Foundation in a busy part of the High Street. The pavement along this particular section of the High Street is on two levels, the main pedestrian route being set at a lower level immediately adjacent to shops and other commercial premises and a series of bus stops are on a raised area of pavement adjacent to the carriageway. The bus shelters along this section of the High Street are open ended, providing ease of access and good circulation for bus users.
 5. Although pedestrians may access the raised area by stepping up onto it from the lower pavement, those in wheelchairs or pushing push chairs or buggies can only gain access via ramps at either end. The width of the raised section is approximately 2.4 metres near to the appeal site. Drawings show that the proposed double-sided display panel would be approximately 1.4 metres wide. Given the fact that the shelters are not situated at the back of the raised pavement the proposal would effectively reduce the width available for passing and circulation at this point by around 1.6 metres to only around 0.8 metres. I
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understand from the Council's submission that this is less than the recommended minimum width for wheelchair users.

6. At the time of my 0850 mid-week site visit I observed that buses using the stop were very popular with up to 15 people waiting at any point in time for the arrival of a bus. I also observed that the area immediately around the bus shelter became congested when buses arrived, requiring pedestrians to manoeuvre close to or even into the carriageway in order to pass. The proposal could further hinder the safe movement of pedestrians and wheelchair users at this restricted point.
7. It is clear to me that the proposal may cause bus users to queue and manoeuvre immediately adjacent to the busy carriageway with buses passing nearby at regular intervals. It would create a pinch-point at the bus stop with potentially dangerous consequences for pedestrians, wheelchair users and others. The safety of highway users and in particular wheelchair users could be harmed.
8. I therefore conclude that the proposal would have an unacceptably harmful effect on public safety. I note that the Council has referred to the development plan 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. Nonetheless, the proposal would conflict with the safety requirements of Policies BE21 and T18 of the London Borough of Bromley Unitary Development Plan July2006.

Conclusion

9. For the reasons given above and taking into account other matters the appeal should be dismissed.

Alastair Phillips

INSPECTOR