

Appeal Decision

Site visit made on 26 May 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/A5840/Z/17/3171445

Telephone Kiosk, O/S London Bridge Tube Station Entrance, Tooley Street, London SE1 2QF

- 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 Mr Matthew Coe of New World Payphones against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/4825 was refused by notice dated 20 January 2017.
 - The advertisement proposed is the installation of internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The telephone kiosk to which the description of the proposal in the above heading refers was not in place at the time of the site visit. The appellant states that the kiosk was temporarily removed to facilitate improvement works to the nearby London Bridge Station and that a replacement kiosk could be installed under the Highway Act 1980. For the avoidance of doubt, this appeal concerns an internally illuminated digital panel. The kiosk upon which it would be displayed is not within the remit of this appeal.

Main issues

3. The main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

4. The proposal is to display an internally illuminated LED screen on one side of a replacement telephone kiosk just outside a busy entrance and exit to London Bridge Station (hereafter referred to as the Station) within the Tooley Street Conservation Area (CA). The CA covers an extensive area although in the vicinity of the site it is characterised by large historic buildings, many of which positively contribute to the significance of this designated heritage asset.
 5. There are also several listed buildings close to the site, notably the cast and wrought iron bridge that spans the northern end of the Station and various properties that address Tooley Street. The list descriptions of these particular buildings provide a broad indication of their historic and architectural significance. I have paid special attention to the desirability of preserving the listed buildings or their setting and preserving or enhancing the character or
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- appearance of the CA as required by sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The new digital screen upon which advertisements would be displayed would be at the back of the replacement kiosk, broadly facing the entrance to and exit from the Station. It would form part of a largely commercial area that contains a wide variety of signage including illuminated advertisements to which the appellant has referred and provided photographs. With a small number of exceptions such as the advertisement panels within a bus shelter further along Duke Street Hill, very few of the existing illuminated advertisements involve digital screens at a relatively low level close to the roadside.
 7. The new display would primarily face people exiting the Station. When viewed from this direction, the proposal, as a screen on a free standing structure at street level, would draw the eye as a prominent feature in the local street scene. On exiting the Station, it would also be seen with the frontages of Denmark House, London Bridge Hospital and St Olaf House beyond, all of which are listed buildings on the opposite side of the highway to the site. As such, the proposal would be a conspicuous element within the CA and form part of the setting to these listed buildings in particular. While the new screen would be smaller than a standard 6-sheet advertising display, the digital display would introduce a bright and sharp image at ground level in marked contrast to the advertising and screens that is generally prevalent in the locality. The sequential change of static images would also draw increased attention to the advertisement thereby exacerbating its impact. For these reasons, I consider that the proposal would be incongruous even in its busy commercial street lit setting and with the illuminated entrance and exit to the Station nearby.
 8. Being noticeable obviously reflects a key purpose of the new advertisement display, which is to draw the eye of people passing by. In that respect, the proposal would be effective given its high visibility especially to users of the Station. However, these considerations have to be balanced against the need to ensure that advertisements do not have a negative impact on the appearance on the built environment. In this case, the proposal would introduce a discordant element into an area and near to several buildings of acknowledged heritage value where this should generally be resisted. That the brightness of the new display would be controlled would not overcome the harm that I have identified.
 9. The Council raises additional concern that the new kiosk would obstruct footway users, to the detriment of public safety. Whether or not the kiosk would do so, I did see that the site was heavily used with different pedestrian flows as people walk into and out of the Station and along and across Duke Street Hill. Even so, the new advertisement would be evident within a reasonably wide pavement with ample circulation space around it. Therefore, insofar as the new advertisement is concerned, I find no material harm to public safety.
 10. Nevertheless, I conclude that the proposal would cause harm to the visual amenity of the local area that includes the setting of several listed buildings. The character and appearance of the CA would also fail to be preserved. The public benefits of the appeal scheme, which include the opportunity to provide access to a telephone kiosk for all; an ability to use the latest communication technology; and to show public and emergency announcements, if material, are insufficient to outweigh the harm to amenity.

11. Reference is made to various planning policies and guidance, at the national and local levels, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of the appeal, the plan policies and guidance have not therefore by themselves been decisive.
12. My attention has been drawn to several previous appeal decisions relating to proposals that are similar to that before me in a different local authority area. From the information provided, the context of each of the sites quoted differs to the proposal before me and it is unclear whether any of the schemes involved the setting of a listed building. Consequently, there are few direct parallels to be drawn between the decisions cited by the appellant and the proposal. In any event, I have assessed the proposal on its own merits, as I am required to do.

Conclusion

13. For the reasons given, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR