
Appeal Decision

Site visit made on 20 June 2017

by C J Ford BA (Hons) BTP MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/F5540/Z/17/3173301

Telephone Kiosks outside 199 Chiswick High Road, London W4 2DR

- 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 Miss Elaine Owen (New World Payphones) against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/O/S199/AD1, dated 1 August 2016, was refused by notice dated 16 February 2017.
 - 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 Matters

2. It is proposed to replace two existing red telephone kiosks positioned back to back with a single black kiosk. An illuminated digital advertising panel would be integrated into the reverse, east facing side of the new kiosk structure.
3. In terms of the size of the panel, there are inconsistencies between the submitted drawings and the technical specifications. The former shows a panel 1537mm high and 864mm wide whilst the latter refers to a panel measuring 1650mm high and 928mm wide. The appeal has been determined on the basis that the panel would be 1650mm high and 928mm wide, as those are the dimensions given on the application form and which are referred to in the appellant's statement.
4. The panel would display static sequential images. 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.
5. 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.
6. The appeal is made against the refusal of express consent for the digital display panel on the reverse side of the kiosk structure. It is the effect of this advertisement that is at issue in the appeal. 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.

7. The parties have drawn attention to Development Plan policies and parts of the National Planning Policy Framework and Planning Practice Guidance which they consider are pertinent to the appeal. In particular, it is noted that Policy CC4 of the Council's Local Plan 2015 sets out that opportunities will be taken to conserve and enhance the significance of the borough's designated and non-designated heritage assets and their settings. Policy CC5 also specifies that all advertisements must respect their context with suitable regard to the consideration of amenity. 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.

Main Issue

8. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

9. The appeal site is located within the Chiswick High Road Conservation Area (CA). It is therefore necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
10. The proposal would stand on the pavement between the front of the Locally Listed Old Chiswick Fire Station¹ and a car parking area to the south of Chiswick High Road. As the area forms part of the busy Chiswick Town Centre, most of the surrounding buildings have commercial uses on the ground floor with associated illuminated signage at the fascia level. Nevertheless, a distinguishing element of the character of this part of the CA is that illuminated commercial advertisements do not generally appear beyond a limited number of small projecting signs attached to the building frontages. On-street commercial advertising largely comprises small A-frame signs that are positioned close up to the respective premises.
11. The only notable exceptions, other than a small traditional pole mounted public house sign, are two bus shelters with conventional double-sided internally illuminated panels at one end. However, these are located some distance away, beyond the car parking area and sited on the opposite side of Chiswick High Road. Consequently, they do not have a close visual relationship with the appeal site. Moreover, digital displays of the size and nature proposed are not a common feature of the area. Indeed, the Council has drawn attention to a proposal for a digital screen at a bus shelter further to the west of the site that was refused consent by the Council and subsequently dismissed on appeal, (Appeal Ref: APP/F5540/Z/15/3139712). A digital screen, with its sharp images, would introduce a different character to the advertising in the locality.

¹ A 'non-designated heritage asset' having regard to the National Planning Policy Framework.

12. In light of these characteristics, the introduction of a sizable internally illuminated digital display panel to this part of the CA would appear as a visually intrusive and incongruous feature.
13. It is therefore concluded that the proposed advertisement would 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 and it would detract from the setting of the neighbouring Locally Listed building. The proposal would conflict with relevant policies and guidance.

Conclusion

14. Whilst the appellant has drawn attention to three similar schemes in London Conservation Areas that were granted consent on appeal, the proposal has been determined on its merits having regard to the specific character and appearance of the Chiswick High Road CA.
15. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON