
Appeal Decision

Site visit made on 1 July 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/K5030/H/18/3211418

**Highways land at the junction of London Wall and Old Broad Street,
London EC2N 1GB**

- 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 British Telecommunications Plc against the decision of the City of London Council.
 - The application Ref 18/00499/ADVT, dated 11 May 2018, was refused by notice dated 19 July 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. When originally lodged, the appeal was also accompanied by an appeal relating to a Prior Approval proposal for an InLink kiosk that was described as replacing two existing BT payphones. However, following the Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin) judgement, that appeal has been withdrawn.

Main Issue

3. The control of advertisements is exercisable only with respect to amenity and public safety. The main issue in this appeal is the effect of the proposed advertisements on amenity.

Reasons

4. London Wall is a commercial street in the heart of the City. At its junction with Old Broad Street and Wormwood Street it is a busy urban thoroughfare attracting a high pedestrian footfall derived from the offices and other businesses in the area.
5. Street furniture generally takes the form of bollards and planters which also serve as seats, there are limited street signs and advertising on commercial premises is generally low key and contained within defined areas of buildings. There are also mature street trees which soften the strongly urban appearance of the area around the road junction set by the highly glazed tall buildings. The existing telephone boxes, which incorporate poster panels, sit close to the kerb

but in the context of other street furniture they are not particularly dominant elements of the street scene.

6. On the opposite side of London Wall, which forms the boundary of New Broad Street Conservation Area (the CA), is the Church of All Hallows which is a Grade I listed building. It is constructed in materials which are a stark contrast to the surrounding buildings and has an austere elevation facing the street; thus, it is a dramatic and prominent element of the street scene. Whilst the appeal site is not within the CA, it is within the vista along London Wall which incorporates the Church of All Hallows, and which is an important part of the CA.
7. The proposed advertisement display panels would occupy a prominent position close to the kerb edge. Consequently, they would be highly visible in views along the street towards the road junction and from across London Wall in the vicinity of the Church of All Hallows. The visibility of the panels would be exaggerated by their internal illumination both during the day and in hours of darkness notwithstanding the controls over luminance levels which are integral to their design. In the context of the natural features in the form of street trees and planters and the existing low-key signage in the area, the advertisement display panels would be visually incongruous and out of character with the surrounding public realm.
8. The existing telephone boxes have a moderate impact on the public realm. However, by virtue of their appearance and particularly the method and intensity of their illumination the proposed advertising panels would be more intrusive and damaging to the amenity of the surrounding area.
9. Given the importance which I have placed on the contribution which the site and the surrounding area make to the views of the edge of the CA and to the setting of the Church of All Hallows, the adverse impact on amenity arising from the advertisement display panels would also be harmful to these heritage assets.
10. I conclude that the proposed advertisements would be harmful to the amenity created by the character and appearance of the adjacent Conservation Area and the listed building. I have taken into account Policies CS10, CS12, DM10.6 and DM12.1 of the City of London Local Plan (2015) and Policy 7.8 of the London Plan 2016. These policies seek to ensure that advertisements respect the restrained character of the City, that the setting of listed buildings are safeguarded and that change affecting all heritage assets is managed to sustain and enhance those assets. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Conclusion

11. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector