



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/18/3213527

New Bridge Street (OS No. 6-7), Near Junction with Bride Lane, London EC4V 6AB

- 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 18/00533/ADVT, dated 18 May 2018, was refused by notice dated 14 August 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink.
-

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the *Westminster CC v SSHCLG & New World Payphones Ltd* [2019] EWHC 176 (Admin) judgement, that appeal has been withdrawn.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 Issues

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

Reasons

Amenity

4. New Bridge Street is a busy commercial street in the heart of the City. At ground floor level there are a wide range of shops and services within substantial buildings which have offices and similar uses on their upper floors. It is a busy urban thoroughfare attracting a high pedestrian footfall derived from the nearby Thameslink station and the offices and other businesses in the area.
5. Save for a barrier which subdivides the pavement to allow for a change in level, there is comparatively little street furniture in the vicinity of the site. Advertising on buildings is generally low key and there are few street signs.

- The existing telephone boxes, which incorporate poster panels, sit in the middle of the pavement and are prominent features in the street scene.
6. The site lies within Fleet Street Conservation Area (the CA) and to the south along New Bridge Street there is a group of listed buildings at the edge of Whitefriars Conservation Area (WCA), including 14 New Bridge Street which is listed Grade II* and 12 Bridewell Place and 15 New Bridge Street which are both listed Grade II. The New Bridge Street boundary of the CA is characterised by a combination of historic buildings interspersed with modern office blocks.
 7. As a result of the projecting elements of 8-12 New Bridge Street the existing telephone boxes are not prominent in the setting of the listed buildings in the view south along New Bridge Street. However, their position in the middle of the pavement results in them being more evident in the vista northwards towards the junction of Ludgate Hill and Fleet Street. In that respect they affect the setting of the listed buildings.
 8. The proposed advertisement display panels would occupy the same prominent position as the telephone call boxes. Consequently, they would be highly visible in views along the street within the CA, the adjacent WCA and the Grade II* and Grade II listed buildings. 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 siting of street furniture 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.
 9. 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.
 10. Given the importance which I have placed on the contribution which the site and the surrounding area make to the vista along New Bridge Street within both the CA and the WCA including the setting of the listed buildings, the adverse impact on amenity arising from the advertisement display panels would also be harmful to these heritage assets.
 11. I conclude that the proposed advertisements would be harmful to the amenity created by the character and appearance of the Conservation Areas and the listed buildings. I have taken into account Policies CS10, CS12, DM10.6, DM12.1 and DM12.2 of the City of London Local Plan (2015) (the Local Plan) 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 conservation areas are preserved and enhanced and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public Safety

12. The appeal site is located close to the signalised junction of New Bridge Street with Fleet Street, Ludgate Hill and Farringdon Street. There is a segregated two-way cycleway on the same side of the road as the appeal site, which is signposted as part of the Cycle Superhighway and links a number of underground and main line stations.

13. The existing telephone call boxes obscure part of the view of the signalised junction from the cycleway and pavement and are close to a dropped kerb which forms an uncontrolled crossing point of both the cycleway and the carriageway used by motorised transport modes including buses. In both of these locations road users need to take particular care in terms of their safety. Whilst the telephone call boxes incorporate poster advertising, these features are static and have discrete illumination. Consequently, they do not present a significant level of distraction to road users.
14. By contrast the proposed advertisements would contain rotating content. Also, the signs would be more prominent in the street scene by virtue of their design and level of illumination in comparison with the limited number of other internally illuminated signs in the area. In combination these features would result in the proposed advertising display panels being a distraction to cyclists and to pedestrians crossing the road using the uncontrolled crossing.
15. Given the importance of the cycle superhighway for movement around the city and the high level of foot traffic which I have identified, the distraction posed by the advertisements has the potential to result in collisions between road users to the detriment of their safety. Whilst Bride Lane was closed at the time of my site visit, the drivers of vehicles manoeuvring around this access could also be distracted by bright moving signs which would further heighten the risk to both pedestrians and cyclists.
16. I conclude that the proposed advertisements would be harmful to public safety. I have taken into account Policy CS16 of the Local Plan, which seeks to improve conditions for safe and convenient walking and cycling. I have not been provided with a copy of Policy CS3, however the appellant refers to this policy as aiming to make the public realm self-enforcing by reducing conflict with transport and pedestrians. On this basis Policy CS3 of the Local Plan does not support the appeal scheme. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies.

Other Matters

17. The appellants have referred to an advertisement on an InLink unit on Grays Inn Road. However, there is limited information regarding the location of this sign relative to the setting of listed buildings or the level of illumination of the sign. On this basis this reference attracts limited weight and does not outweigh the conclusions which I have reached on the main issues.
18. The appellants consider that the level of illumination of the signs can be satisfactorily controlled by condition. However, there is limited evidence to demonstrate the impact which a fixed, lower level of illumination would have on the street scene in this case or that this would negate the harm which I have found in relation to the setting of the listed buildings or the character or appearance of the CA and to public safety.

Conclusion

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

Sarah Dyer

Inspector