



Appeal Decision

Site visit made on 18 June 2019

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 18th July 2019

Appeal Ref: APP/Q5300/Z/19/3221406

Pavement outside 179 Fore Street, London N18 2JD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby (British Telecom) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03828/ADV, dated 28 September 2018, was refused by notice dated 4 December 2018.
 - The advertisements proposed are described as 'two digital 55-inch LCD display screen, one on each side of the InLink unit'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application form stated the site address was the pavement outside 179 Fore Street and 2 Sterling Way. As confirmed by the submitted plans, the InLink unit would be positioned on the pavement outside 179 Fore Street and accordingly that is the address which has been used in the header above.
3. An associated prior approval appeal in relation to the installation of the InLink unit was submitted alongside the advertisement appeal. However, following the judgment in *Westminster CC v SSHCLG & New World Payphones Ltd* [2019] EWHC 176 (Admin) the prior approval appeal has since been withdrawn by the appellant. Consequently, only the matter of advertisement consent is considered in this decision letter. Separate planning permission would be required for the installation of the InLink unit.
4. In metric, the proposed digital screens would be 1.21m high and 0.69m wide. They would display sequential static images and be integrated on each face of a 2.90m tall and 0.89m wide InLink unit. Aside from the absence of a diagonal slither of the lower section on one side, the 0.28m deep unit would be a freestanding monolith form.
5. Instead of the usual five years, consent is sought for a period of ten years.
6. The parties have drawn attention to development plan policies, national policy and guidance which they consider are relevant to the appeal. 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

7. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

8. The InLink unit would be positioned towards the pavement edge on the western side of Fore Street. As the unit would have a side-on orientation to the road, each display screen would face and be prominently visible in the respective approach along the street.
9. Although the unit would not be located in a Conservation Area (CA), the boundary of the Fore Street Edmonton CA runs along the centre of the highway at this point and there would be a close visual association with the CA. The CA Character Appraisal 2016 notes that one of the key factors that gives the CA its special interest is the inherent architectural quality of the landmark commercial and public buildings of around 1900 when Fore Street became the 'high street' for extensive suburban development in its hinterland. Diagonally opposite the site, Nos 196 & 198 Fore Street are identified in the Character Appraisal as landmark buildings.
10. Both sides of this section of Fore Street have a busy commercial character with retailers and other businesses occupying the ground floor premises. Whilst significant fascia signage is displayed, including some with illumination, digital advertisements are not a feature of the locality. Moreover, the pavement on either side of the road is of a modest depth and there is a notable absence of fixed street furniture which display commercial advertisements. The appellant referred to a telephone kiosk outside No 190 Fore Street that would be removed following the installation of the proposed InLink unit. However, the kiosk had already been removed at the time of the site visit.
11. The locality distinctly contrasts with the section of Fore Street experienced moving southwards from the College Gardens junction, where there is a break in the linear continuity of the CA and an absence of landmark buildings. On the western side of the road the pavement becomes wider and accommodates two telephone kiosks and an InLink unit. One of the kiosks has a vinyl advertisement and the other a digital display screen.
12. Given this context, the proposed digital screens with their illuminated and sharply defined changing static images would represent a stark departure from the form of advertisement display in the locality. In combination with their prominent forward position and orientation in the street scene, along with their relatively high-level positioning on the freestanding InLink unit, they would appear as unduly strident and incongruous features. They would distract from an appreciation of the two nearby landmark buildings and represent unacceptable visual clutter in a location where there is a notable absence of street furniture which display commercial advertisements. For these reasons they would have a detrimental impact on the character and appearance of the area and would harm the setting of the CA.
13. The benefits of the proposed screens are acknowledged including a public messaging facility to provide real time updates and with a proportion of the annual content offered to the Council and to local community groups in order to promote initiatives and events. It is also understood the InLink unit would lead

to the removal of the telephone kiosk referred to earlier which has a vinyl advertisement, located outside No 127 Fore Street. However, the benefits would not outweigh the harm to the visual amenity of the locality, particularly as the kiosk to be removed is in a location where advertisements on street furniture are a feature and will remain so. Furthermore, conditions including a condition that would control the luminance levels of the screens could not overcome the identified harm.

14. It is therefore concluded the proposed advertisements would have an unacceptably harmful effect on the visual amenity of the area. They would harm the setting of the nearby CA and would conflict with Core Policies 30 and 31 of the Council's Core Strategy 2010. They would also conflict with Policy DMD 41 of the Council's Development Management Document 2014. Amongst other things, the policies seek to ensure advertisements are of an appropriate type in relation to the street scene and do not become visually dominant or result in unnecessary advertisement clutter. The policies also expect interventions in the public realm that impact on heritage assets to have regard to their special character and to reinforce local distinctiveness.

Conclusion

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