

Appeal Decision

Site visit made on 23 May 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2019

Appeal A1 Ref: APP/H5390/W/18/3206675

Vanston Place, (Outside No. 45A Natwest), Near Junction with Fulham Broadway, London SW6 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application, Ref. 2018/00892/FUL, dated 9 March 2018, was refused by notice dated 7 May 2018.
 - The development proposed is the removal of (2)* existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community. [*Since amended to 3]
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Appeal A2 Ref: APP/H5390/Z/18/3206136

Vanston Place, (Outside No. 45A Natwest), Near Junction with Fulham Broadway, London SW6 1AG

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00893/ADV, dated 9 March 2018, was refused by notice dated 7 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal B1 Ref: APP/H5390/W/18/3206646

Fulham Road (Outside former entrance Fulham Broadway Underground Station), London SW6 1BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application, Ref. 2018/00808/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal B2 Ref: APP/H5390/Z/18/3205949

Fulham Road (Outside former entrance Fulham Broadway Underground Station), London SW6 1BW

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00809/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal C1 Ref: APP/H5390/W/18/3206674

Parsons Green Lane (Outside No. 33-39 Parsons Green Depot) Opposite Junction with Pursers Cross Road, London SW6 4HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application, Ref. 2018/00880/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal C2 Ref: APP/H5390/Z/18/3206127

Parsons Green Lane (Outside No. 33-39 Parsons Green Depot) Opposite Junction with Pursers Cross Road, London SW6 4HS

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00881/ADV, dated 9 March 2018, was refused by notice dated 7 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal D1 Ref: APP/H5390/W/18/3206643

Fulham Road (Outside No. 867-869 Profeet), London SW6 5HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
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- The application, Ref. 2018/00812/FUL, dated 9 March 2018 was refused by notice dated 4 May 2018
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal D2 Ref: APP/H5390/Z/18/3205940

Fulham Road (Outside No. 867-869 Profeet), London SW6 5HP

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00813/ADV dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal E1 Ref: APP/H5390/W/18/3206647

Fulham High Street (Outside Nos. 9-13 Darlings), London SW6 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application, Ref. 2018/00800/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal E2 Ref: APP/H5390/Z/18/3206013

Fulham High Street (Outside Nos. 9-13 Darlings), London SW6 3JH

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00801/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal F1 Ref: APP/H5390/W/18/3206644

Fulham High Street (Outside No. 51 Andrews Office Furniture), London SW6 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
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- The application, Ref. 2018/00798/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal F2 Ref: APP/H5390/Z/18/3205942

Fulham High Street (Outside No. 51 Andrews Office Furniture), London SW6 3JJ

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00799/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal G1 Ref: APP/H5390/W/18/3206673

Parsons Green Lane (Outside Co-Op and opposite No. 61), London SW6 4HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application, Ref. 2018/00836/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal G2 Ref: H5390/Z/18/3206117

Parsons Green Lane (Outside Co-Op and opposite No. 61), London SW6 4HU

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00837/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal H1 Ref: APP/H5390/W/18/3206648

New Kings Road (Outside No. 100), Roughly opposite Cortayne Road, London SW6 4LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
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- The application, Ref. 2018/00832/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018
 - The development proposed is the removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing ultrafast wifi and other community services and with excess space returned to the community.
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Appeal H2 Ref: APP/H5390/Z/18/3206015

New Kings Road (Outside No. 100), Roughly opposite Cortayne Road, London SW6 4LX

- 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 Neil Scoresby, British Telecommunications plc against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref. 2018/00833/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen to both sides of the new freestanding built-in telephone unit.
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Appeal Decisions

1. Appeals B1 & B2; E1 & E2; G1 & G2, and H1 & H2 are dismissed.
2. Appeals A1 & A2; C1 & C2; D1 & D2, and F1 & F2 are allowed with the Formal Decisions set out in paragraphs 55-62 below and Appendix A.

Preliminary and Procedural Matters

3. This appeal decision letter is in respect of the Council's refusal of both planning permission and advertisement consent for a total of eight 'InLink' units in various locations in the Borough. The applications were made on a composite application form and because of the overlap of the main issues arising from the Notices of Refusal I have undertaken a combined appraisal for each unit on a site by site basis.
 4. In so doing I have used the most apt of the different descriptions for the proposal, this in each case being the description on the planning application for planning permission and the description on the Council's Notice of Refusal of Express Consent for the advertisement displays.
 5. The Council has referred to policies of its development plan in the case of each InLink unit in these appeals. The relevant policies differ between some of the appeals depending on whether the site is in a conservation area and whether there is a refusal reason relating to pedestrian safety and flow.
 6. The policies against which a planning judgement must be made on the applications for planning permission are Policies 6.10 & 7.8 of the London Plan 2016; Policies DC1, DC8, DC9 & DC10 of the Hammersmith & Fulham Local Plan 2018, and Key Principles CAG3, CAG6, TR1, TR22 & TR29 of the Council's Supplementary Planning Guidance SPD 2018. The Council and the appellants have referred to these in some detail and their provisions do not need re-stating in this Decision. I have additionally had regard to these policies in deciding the
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effect of the LED illuminated advertisement displays on amenity and public safety.

7. Government policy in Section 10 of the National Planning Policy Framework 2019 ('the Framework') is entitled 'Supporting High Quality Communications'. Paragraph 112 says that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
8. Paragraph 116 says that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators or question the need for an electronic communications system.
9. Paragraph 132 of the Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
10. Section 16 of the Framework sets out Government policy on the Conservation and Enhancement of the Historic Environment.

Main Issues

11. The main issue in the planning application appeals is the effect of the siting and appearance of the proposed InLink Unit on the visual amenity of the street scene. Where this is within a conservation area ('CA'), there is the additional requirement of needing to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. A second main issue in some of the planning application appeals is the effect of the proposed Unit on the pedestrian environment in terms of safety and convenience.
12. As regards the applications for advertisement consent, in all the appeals the main issue is the effect of the proposed illuminated digital LED advertisement displays on the visual amenity of the street scene, again in some instances located in a CA with its additional safeguards.
13. In all the cases before me in this multiple Decision I consider that there are credible and reasonable arguments both in favour of and against the proposed InLink Units. I have therefore found it necessary to make an 'on balance' decision in all these appeals.

Reasons

General Comments: (i) Design and Appearance of the InLink Units

14. The InLink Units are quite different to the older style kiosks and their more modern replacements because of the contemporary design and relatively slender appearance, the latter accounting for a small footprint. Overall, I consider that they are of a high quality design and in principle both the Units and the illuminated advertisement displays are not necessarily inconsistent with a strongly commercial context, even in CAs. However, this is not to say that

these factors cannot be outweighed by the individual considerations of siting and appearance in any particular case.

General Comments: (ii) Community Benefits of the InLink Units

15. The appellant's final statement sets out an updated account of the extent to which the Units are used for the free services to the community that form an integral part of their design and operation. I consider that this is a material consideration in their favour. I have therefore weighed this in the planning balance in reaching my decisions.

General Comments: (iii) Benefits of the removal of existing BT payphones

16. All of the appeal proposals include the removal of two existing BT Payphones (in the case of Appeals A1 & B1 three). And even allowing for them not having illuminated advertising, I consider that this is a material consideration in their favour. I have again therefore weighed this in the planning balance in reaching my decisions.

General Comments: (iv) Third Party Representations

17. Public comment on the proposals is relatively limited in its extent, but in those applications where representations have been made I have given them careful consideration insofar as they do not conflict with Government policy in the Framework as summarised in this Decision.

Appeals A1 & A2: Vanston Place, (Outside No. 45A NatWest), Near Junction with Fulham Broadway, London SW6 1AG

Street Scene

18. Whilst the Council considers that the proposal would run counter to its policy of de-cluttering the street scene, which in this case forms part of the Walham Green CA, the proposed InLink Unit would be near the edge of a wide pavement and in line with existing metal posts that delineate the boundary between the pavement and the paved area of Vanston Place. The bicycles affixed to the nearby racks at a point where the pavement narrows towards the Fulham Broadway Underground station form the substantive clutter in this location.
19. Whilst the location is prominent, the proposed siting at the junction has a degree of logic in that it would allow the InLink Unit to form a landmark in the street scene, albeit a minor one. I also note that in this case three existing BT call boxes would be removed (the appellants have corrected their initial error referring to two) and I consider that these are read with the NatWest Bank Building of Merit more than would be the case with the proposal in its position set well forward of the building. The effect on the street scene would be essentially benign and the character and appearance of the CA would be preserved.

Pedestrian Environment

20. I have noted that the Council considers that the proposed InLink Unit would be prejudicial to the safety and free flow of pedestrian traffic. However, even with the large volumes of pedestrians associated with the position between Chelsea

FC stadium and Fulham Broadway Underground there is ample space at this open junction to allow a free flow, especially as large volumes of football spectators in transit have little regard for pavement boundaries. It is only where the pavement narrows towards the Underground that there is likely to be a congestion problem.

Illuminated Advertisement Displays

21. The Council takes the view that the illumination would exacerbate the harm to the character and appearance of the CA and the pedestrian environment. However, whilst I acknowledge that the displays on this open corner would be prominent, they would not be inappropriate given that the proposed unit would mark the edge of the commercial hub of Fulham Broadway when approached from the residential area of Vanston Place.

Conclusion

22. I conclude on balance that Appeals A1 & A2 should be allowed.

Appeals B1 & B2: Fulham Road (Outside former entrance Fulham Broadway Underground Station), London SW6 1BW

Street Scene

23. This section of pavement is the approach to the Fulham Broadway Underground Station from the junction with Vanston Place and is characterised by large-scale frontages to the buildings. The proposal is also within the setting of the Grade II* listed Fulham Town Hall and the Grade II listed former Underground ticket hall, now known as 'Market Hall'.
24. Somewhat paradoxically given its position in a key part of the shopping centre, there is a relative lack of advertising along and adjoining this section of pavement. And despite the overall commercial context, I consider that the proposed Unit would appear as being out of keeping, as well as harmful to the setting of the heritage assets of the listed buildings and the CA. Although the harm to the CA would be 'less than substantial' it would not be outweighed by the public benefits of the InLink Unit.

Pedestrian Environment

25. Despite a relatively wide pavement there is clearly a heavy footfall along this section of pavement because of the large retail stores and proximity to Fulham Broadway Underground Station. And I accept the Council's argument that at times congestion occurs, especially when pedestrians are walking between the Underground Station and Chelsea FC stadium and the return trip. Accordingly the proposed Unit would add an element of obstruction to the pavement.

Illuminated Advertisement Displays

26. Because of the lack of on-street advertising, including projecting signs, along this section of pavement I consider that the InLink displays would be visually discordant and harmful to the setting of the heritage assets.

Conclusion

27. I conclude on balance that Appeals B1 & B2 should be dismissed.

Appeals C1 & C2: Parsons Green Lane (Outside No. 33-39 Parsons Green Depot) Opposite Junction with Pursers Cross Road, London SW6 4HS

Street Scene

28. The proposed location of the unit is outside the extensive frontage of the Parsons Green Depot on a stretch of pavement close to the Parsons Green Underground Station. This is not a particularly commercial context, which weighs against the erection of the InLink Unit.
29. On the other hand, although the location is within the Parsons Green CA, I consider that the combination of the Depot frontage and the sight of the nearby railway bridge constrain the quality of the street scene, providing a more industrial character. In the light of this I regard the introduction of the proposed Unit as a positive measure that brings an element of vitality and interest to the arguably drab surroundings. The character and appearance of the CA would therefore be preserved.
30. Furthermore, as a separate but nonetheless relevant point, in this position close to the underground station the proposed Unit is likely to be particularly useful for the digital and community services it offers to people arriving at or leaving the station, particularly as in contrast there is ample space on the pavement for users to access them.

Illuminated Advertisement Displays

31. The displays will in my view to some degree draw the eye from the bland and unattractive frontage to the depot. Accordingly, I do not regard them as potentially harmful in terms of visual intrusion.

Conclusion

32. I conclude on balance that Appeals C1 & C2 should be allowed.

Appeals D1 & D2: Fulham Road (Outside No. 867-869, Profeet), London SW6 5HP

Street Scene

33. The Council attaches importance to the site being adjacent to the Central Fulham CA and the context of Victorian properties with signage in the vicinity relatively discreet and related to shop fascias. However, whilst I have given these points some weight, the area has a substantially commercial character near the junction of Fulham Road and Munster Road and includes over-sized fascias (for example Greggs) that, whether illuminated or not, help to define the predominant retail ambience of the locality.
34. The siting of the InLink Unit would be such as to be read in this context and positioned close to iron bollards within the street furniture zone. I disagree with the Council's assessment in respect of the BT kiosks to be removed as part of the application. These are particularly unsightly and especially noticeable

because they are just beyond the shops and outside residential property in the form of Arthur Henderson House. Their removal would in my view outweigh any negative perception arising from the introduction of the InLink Unit and overall the character and appearance of the CA would be preserved.

Illuminated Advertisement Displays

35. The illuminated display would be in keeping with the retail character of the area and its variety of smaller retail units and their range of signage.

Conclusion

36. I conclude on balance that Appeals D1 & D2 should be allowed.

Appeals E1 & E2: Fulham High Street (Outside Nos. 9-13, Darlings), London SW6 3JH

Street Scene

37. The proposed site lies within the Fulham Park Gardens CA and in this particular location the combination of the pavement narrowing away from the junction and the street trees combine to confer a high level of visual amenity. I also agree with the Council that with much of the existing street furniture being at a low level, the proposed InLink Unit would appear somewhat over-dominant and visually intrusive. Although the harm to the CA would be 'less than substantial' it would not be outweighed by the public benefits of the proposed InLink Unit.

Pedestrian Environment

38. The pavement is relatively narrow at the site of the proposed InLink Unit and the line of existing street furniture combined with the street trees have the effect of to some extent constraining pedestrian flows, particularly at busy times. Whilst I acknowledge that the proposed Unit would not project any further than the street furniture and indeed less than the trees, it would nonetheless impede pedestrian movement when people are using the facilities offered.

Illuminated Advertisement Displays

39. The illuminated displays would add to the harm caused by the InLink Unit in this particular position which being away from the more open character of the corner and its street trees has a pleasing ambience unaffected by prominent advertising signage.

Conclusion

40. I conclude on balance that that Appeals E1 and E2 should be dismissed.

Appeals F1 & F2: Fulham High St (Outside No. 51, Andrews Office Furniture), London SW6 3JJ

Street Scene

41. Although the proposed site lies within the Fulham Park Gardens CA, its more immediate surroundings include an overtly modern and assertive shopfront

design and a bus shelter with an internally illuminated poster advertising over twice the size of that in the proposed InLink Unit. Bearing these points in mind the proposal would not look out of place and cause harm to the conservation area or the other nearby Buildings of Merit. The Council also refers to a listed building and scheduled monument some 60m and 41m away respectively, but because the proposed unit would primarily read with the adjacent shopfront and bus shelter I consider that any visual impact would not directly affect these heritage assets or their setting. Overall therefore, the character and appearance of the CA would be preserved.

Illuminated Advertisement Displays

42. In the circumstances described in the preceding paragraph I do not consider that the illuminated advertising display would be harmful.

Conclusion

43. I conclude on balance that Appeals F1 and F2 should be allowed.

Appeals G1 & G2: Parsons Green Lane (Outside Co-Op and opposite No. 61), London SW6 4HU

Street Scene

44. The proposed unit would be along a stretch of pavement that lies between the relatively poor quality street scene in the vicinity of the railway bridge (as discussed under Appeals C1 and C2 above), and the more attractive buildings and public space in the vicinity of Parsons Green itself, the heart of the CA. In my view, the location is one that pulls both ways in any planning judgement.
45. On the one hand it can be argued that the siting and appearance of the InLink Unit with its modern design would complement the clean lines of the contemporary architecture used for the Co-op retail store. On the other hand, this is a section of pavement that with its limited existing street furniture and just a couple of advertising hanging signs is pleasingly discreet, without an overtly commercial character. However, because (i) the proposed Unit would be particularly prominent; (ii) the two phone kiosks to be removed are not directly visible from the application site, and (iii) taking account of paragraph 46 below, I consider that the balance of argument favours the Council's refusal of permission. Although the harm to the CA would be 'less than substantial' it would not be outweighed by the public benefits of the InLink Unit.

Illuminated Advertisement Displays

46. The advertisement displays would draw the eye in views in each direction from the railway bridge and Parsons Green respectively as being out of keeping with the more restrained street scene context.

Conclusion

47. I conclude on balance that Appeals G1 & G2 should be dismissed.

Appeals H1 & H2: New Kings Road (Outside No. 100), Roughly opposite Cortayne Road, London SW6 4LX

Street Scene

48. I saw on my visit that this part of New Kings Road has a relatively discreet commercial presence and a quieter character that befits a local centre that blends with, rather than interrupts, the surrounding residential area. In the proposed position on a wide section of pavement I consider that the kiosk would be harmfully prominent and to some extent out of keeping, despite its position outside the recently developed Co-op store and the other retail units.
49. Furthermore, the proposed InLink Unit would interfere with the views of the trees planted pursuant to the Enforcement Notice for the replacement of TPO trees that were felled in association with the adjoining development of the Co-op store. I have also noted that the kiosks to be replaced are not visible from the application site.

Illuminated Advertisement Displays

50. In the location proposed the illuminated advertisements would exacerbate the harm caused by the siting and appearance of the proposed InLink Unit.

Conclusion

51. I conclude on balance that Appeals H1 & H2 should be dismissed.

Conditions: Allowed Applications for Planning Permission

52. In the first two paragraphs of this Decision I summarise my conclusions that four appeals should be dismissed and four allowed. In allowing Appeals A1, C1, D1 & F1, I have had regard to the conditions suggested by the Council and the appellants.
53. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring the pavement surface materials to match the existing will protect the visual amenity of the area. This objective will also be secured by a condition requiring the removal of the kiosk when it is no longer required. There is also a condition needed to secure the public benefit of the removal of older kiosks as part of the appellant's rationalisation programme. In this respect I have noted that the Council require their removal prior to the installation of the InLink Unit, but in stipulating an alternative three month compliance period or the date the InLink Unit becomes operative I have had regard to Government policy discouraging pre-commencement conditions.

Conditions: Allowed Applications for Advertisement Consent

54. In allowing Appeals A2, C2, D2 and F2 I have based the conditions on the appellant's list of operating conditions which for the most part are consistent with the Council's suggestions. I consider that these, together with the five standard conditions in the Advertisement Regulations, will protect the visual amenity of the area and maintain public safety. The operating conditions are set out in Appendix A to this Decision.

Formal Decision: Appeal A1:

Vanston Place, (Outside No. 45A NatWest), Near Junction with Fulham Broadway, London SW6 1AG

55. The appeal is allowed and planning permission is granted for the removal of 3 No. BT payphones in the location specified in the conditions below and the erection of 1 No. InLink Unit at the above address in accordance with the terms of the application, Ref. 2018/00892/FUL, dated 9 March 2018, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Site Plans HMF-089 Rev. A; CGI montage HMF-098*-EP-V1; Dimensions Drawing No. D0002 V3; Design and Access Statement V1.3 dated February 2018 (*reference quoted but presumably should be 089);
 - 3) All surface materials shall match the existing adjacent surface materials;
 - 4) Within three months of development commencing or before the InLink Unit becomes operational (whichever is the sooner) the three existing BT Payphones at the rear of the pavement adjacent to the NatWest building, Vanston Place, Junction with Fulham Broadway, London SW6 1AG shall be removed in their entirety and the land made good to the same condition as the adjacent land;
 - 5) The InLink Unit hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

Formal Decision: Appeal A2

56. The appeal is allowed and express consent is granted for the display of digital advert panels on 1 No. InLink telecom unit as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Appendix A.

Formal Decision: Appeal C1:

Parsons Green Lane (Outside No. 33-39 Parsons Green Depot) Opposite Junction with Pursers Cross Road, London SW6 4HS

57. The appeal is allowed and planning permission is granted for the removal of 2 No. BT payphones in the locations specified in the conditions below and the erection of 1 No. InLink Unit at the above address in accordance with the terms of the application, Ref. 2018/00880/FUL, dated 9 March 2018, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;

- 2) The development shall be carried out in accordance with the following approved plans: Site Plans: HMF-065 Rev. A; CGI montage HMF-065-EP-V1; Dimensions Drawing No. D0002 V3; Design and Access Statement V1.3 dated February 2018;
- 3) All surface materials shall match the existing adjacent surface materials;
- 4) Within three months of development commencing or before the InLink Unit becomes operational (whichever is the sooner) the existing BT Payphones at (i) Parsons Green Lane (Opposite Parsons Green Underground) London SW6 4HH and (ii) North End Road (Near Junction with Dawes Road, next to Waitrose) London SW6 1LX shall be removed in their entirety and the land made good to the same condition as the adjacent land;
- 5) The InLink Unit hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

Formal Decision: Appeal C2

58. The appeal is allowed and express consent is granted for the display of digital advert panels on 1 No. InLink telecom unit as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Appendix A.

Formal Decision: Appeal D1:

Fulham Road (Outside No. 867-869, Profeet), London SW6 5HP

59. The appeal is allowed and planning permission is granted for the removal of 2 No. BT payphones in the location specified in the conditions below and the erection of 1 No. InLink Unit at the above address in accordance with the terms of the application, Ref. 2018/00812/FUL, dated 9 March 2018, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Site Plan HMF-018 Rev. A; CGI montage HMF-018-EP-V1; Dimensions Drawing No. D0002 V3; Design and Access Statement V1.3 dated February 2018;
 - 3) All surface materials shall match the existing adjacent surface materials;
 - 4) Within three months of development commencing or before the InLink Unit becomes operational (whichever is the sooner) the two existing BT Payphones at Fulham Road (Outside Arthur Henderson House, close to Junction with Munster Road) London SW6 5SB shall be removed in their entirety and the land made good to the same condition as the adjacent land;

- 5) The InLink Unit hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

Formal Decision: Appeal D2

60. The appeal is allowed and express consent is granted for the display of digital advert panels on 1 No. InLink telecom unit as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Appendix A.

Formal Decision: Appeal F1:

Fulham High St (Outside No. 51, Andrews Office Furniture), London SW6 3JJ

61. The appeal is allowed and planning permission is granted for the removal of 2 No. BT payphones in the locations specified in the conditions below and the erection of 1 No. InLink Unit at the above address in accordance with the terms of the application, Ref. 2018/00798/FUL, dated 9 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Site Plan HMF-006 Rev. A; CGI montage HMF-006-EP-V1; Dimensions Drawing No. D0002 V3; Design and Access Statement V1.3 dated February 2018;
 - 3) All surface materials shall match the existing adjacent surface materials;
 - 4) Within three months of development commencing or before the InLink Unit becomes operational (whichever is the sooner) the two existing BT Payphones at (i) New Kings Road (Adjoining Putney Bridge Underground, Near Junction with Hurlingham Road) London SW6 4NZ and (ii) Fulham High Street (Junction with Putney Bridge Approach, next to TfL cycle hire station) London SW6 3JH shall be removed in their entirety and the land made good to the same condition as the adjacent land;
 - 5) The InLink Unit hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes.

Formal Decision: Appeal F2

62. The appeal is allowed and express consent is granted for the display of digital advert panels on 1 No. InLink telecom unit as applied for. The consent is for five years from the date of this Decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions in the attached Appendix A.

Martin Andrews

INSPECTOR

APPENDIX A

(Conditions are additional to the 5 standard conditions in Part 5, Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 [S.I. 2007 No. 783]

- 1) The intensity of the illumination of the digital signs shall not exceed the maximum permitted recommended luminance for an advertisement of this type and proposed location as set out by The Institute of Lighting Professionals' *PGL 5: Brightness of Illuminated Advertisements (2015)*;
- 2) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements);
- 3) The minimum display time for each advertisement shall be 10 seconds;
- 4) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction;
- 5) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.