



Appeal Decisions

Site visit made on 8 August 2019

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Planning appeal Ref: APP/N5660/W/18/3202540

Advertisement appeal Ref: APP/N5660/H/18/3202536

Telephone kiosk outside 256 Streatham High Road, London, SW16 1HT

- The planning appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The advertisement 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 Lambeth.
 - The planning application Ref 18/00300/FUL dated 19 January 2018, was refused by notice dated 16 March 2018.
 - The advertisement application Ref 18/00301/ADV dated 19 January 2018, was refused by notice dated 16 March 2018.
 - The development proposed is described on the application form as the removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink.
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Decision

1. Both appeals are allowed and planning permission and express consent are granted for the removal of the existing BT telephone kiosk and replacement with 1 InLink kiosk together with the display of 2 externally illuminated digital screens at the telephone kiosk outside 256 Streatham High Road, London, SW16 1HT in accordance with the terms of the applications, Ref 18/00300/FUL and Ref 18/00301/ADV, both dated 19 January 2018.
2. The planning permission is subject to the conditions set out in the attached schedule. The express 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 the conditions set out in the attached schedule.

Procedural matters

3. Although the planning and advertisement regimes are separate, I have dealt with both of these simultaneously in my assessment as the InLink kiosk is indivisible from its illuminated digital screens ('the LED advertisements') and because the scheme was applied for on a single form, with the same accompanying plans and details. The planning and advertisement applications were also refused for the same reason, albeit with reference to different policies of the development plan.
4. The Regulations require that advertisement decisions for express consent are made only in the interests of amenity and public safety, taking into account:

- (a) the provisions of the development plan, insofar as it is material; and (b) any other relevant factors.
5. The description on the application form does not accurately describe the proposed development. I have therefore considered the scheme on the basis of the description shown on the decision notice and am satisfied that dealing with the appeal on this basis has not prejudiced the interests of any party.
 6. Since the appeal was submitted, two revised versions of the Framework have been published¹². However, insofar as the Framework is relevant to my determination of the appeals, it is not so changed that the case of either party would be prejudiced by my taking it into account as a material consideration.

Main issue

7. The main issue is the effect of the proposed LED advertisements on the amenity of the area, with particular regard to the setting of the Church of St Leonard, a Grade II listed building.

Reasons

8. The appeal site is situated on the footpath in front of No 256 Streatham High Road, within Streatham Town Centre and the Streatham High Road and Streatham Hill Conservation Area³. To the south of the appeal site, on the corner of Streatham High Road (A216) and Tooting Bec Gardens (A214) lies the Church of St Leonard, a Grade II listed building ('the listed church').
9. In carrying out my assessment, I have given considerable importance and weight to the desirability of preserving the setting of the listed church and preserving or enhancing the character or appearance of the conservation area in accordance with Sections 66 (1) and 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990.
10. Although there is very limited visibility of the grounds of the listed church from the appeal site, I recognise that the approach to this building from the north on Streatham High Road makes a contribution to the way in which its setting is experienced. However, the 2 LED advertisement panels would be of a modest size and set against the surrounding context of ground floor retail shops in the town centre, many of which have illuminated signage. Furthermore, the scheme would result in the replacement of a more bulky outdated BT telephone kiosk with a slender InLink device, which to my mind would result in the scheme having no greater impact on the amenity of the area and the setting of the listed church, even allowing for its two modest LED advertisement panels.
11. In view of the above, I conclude that the development and associated LED advertisements would have a neutral impact and thereby preserve the setting of the listed church and the character or appearance of the conservation area in accordance with Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would also accord with Policies Q2, Q6, Q17, Q20 and Q22 of the Local Plan⁴, which collectively seek, amongst other things, to ensure that development does not compromise visual amenity

¹ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, July 2018.

² National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

³ CA 54 Streatham High Road and Streatham Hill.

⁴ Lambeth Local Plan, Adopted September 2015, Lambeth.

from adjoining sites, is appropriate to its context, and does not harm the character and setting of heritage assets.

12. I also find that the scheme would accord with Paragraph 132 of the Framework and the Council's advertisement guidance⁵ which collectively seek, amongst other things; (a) to protect the quality and character of places from poorly sited and designed adverts; and (b) to resist advertisements if they harm the setting of heritage assets.

Conditions

13. Conditions have been imposed on the planning permission to ensure the scheme is carried out in accordance with the submitted plans and to restrict operation of the InLink unit until the BT kiosk is removed. I have also attached a condition relating to the hard-surfacing materials to be used to protect the character and appearance of the conservation area. I have not attached a condition regarding the materials for the InLink unit as these are specified in the submitted details.
14. In addition to the 5 standard conditions set out in the Regulations, a condition has been imposed on the express consent to require the unit to be maintained and controlled in accordance with the submitted details given that it is not a standard fixed advert. I also consider it necessary in the interests of the amenity of the area and highway safety to impose conditions restricting its luminance levels to that specified in the Regulations, how the advertisements are operated on-screen, and to ensure that any advertisement does not resemble traffic signage.

Conclusion

15. For the reasons outlined above both appeals are allowed.

Robert Fallon

INSPECTOR

Planning Permission - schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:- Site location plan, Design and Access Statement by InLinkBT, Kiosk Rationalisation Schedule and Proposed InLink sites dated 19/01/2018, Existing and Proposed Site Plan LMB-051-SP-V1, InLink Dimensions Drawing D0002, Existing and Proposed Views LMB-051-EP-V2, Technical specifications sheet by InLinkUK, Executive Summary by InLinkUK from BT, Cover letter dated 19/01/2018.
- 3) All new hard surfaces and finishes (and work of making good) shall match the existing adjacent paved hard surface in respect of materials, colour, texture, profile, and finished appearance.

⁵ Advertisements & Signage Guidance, January 2016, Lambeth.

- 4) The development hereby permitted shall not be used or operated for any purpose until the BT kiosk shown on the approved plans has been removed in accordance with the approved details.

Express Consent - schedule of conditions

The five standard conditions set out in the Regulations and:-

- 1) The LED advertisements hereby approved shall be erected, used, operated and maintained strictly in accordance with the following approved plans and details:- Site location plan, Design and Access Statement by InLinkBT, Kiosk Rationalisation Schedule and Proposed InLink sites dated 19/01/2018, Existing and Proposed Site Plan LMB-051-SP-V1, InLink Dimensions Drawing D0002, Existing and Proposed Views LMB-051-EP-V2, Technical specifications sheet by InLinkUK, Executive Summary by InLinkUK from BT, Cover letter dated 19/01/2018.
- 2) The maximum luminance from each LED advertisement shall not exceed 600 candela per square metre.
- 3) The proposed advertisements must not have any exposed cold cathode tubing, moving features, animation, flashing, scrolling three dimensional, intermittent or video elements.
- 4) The minimum display time for each advertisement shall be 10 seconds.
- 5) 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.
- 6) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

End of schedule