
Appeal Decision

Site visit made on 7 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/V2825/Z/19/3240308
25 Market Square, Northampton NN1 2DF

- 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 Nathan Still (Infocus Public Networks Limited) against the decision of Northampton Borough Council.
 - The application Ref N/2019/1119, dated 3 September 2019, was refused by notice dated 28 October 2019.
 - The advertisement proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub.
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Decision

1. The appeal is allowed and express consent is granted for the display of a single illuminated sequential display affixed to the frame of the communication hub 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 the following additional conditions:
 - 1) No special visual effects of any kind are permitted when any message is displayed or through the transition of one image to another. The displayed image must not include animated, flashing, intermittent lighting designed to give the impression of movement.
 - 2) The intensity of the illuminance of the advertisement permitted by this consent shall be no greater than 300cd/m² between sunset and sunrise.
 - 3) The footway and carriageway must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.

Procedural Matter

2. The proposal in this appeal relates solely to the addition of an illuminated advertisement display to the existing telephone kiosk and not for the erection of a new kiosk structure. I understand that the existing telephone kiosk already benefits from deemed permission under the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Main Issue

3. The Council raises no issue in respect of public safety and, having assessed the proposal, I see no reason to disagree. Therefore, the main issue in this case is the effect of the advertisement on amenity.

Reasons

4. The existing telephone kiosk is located within the All Saints Conservation Area (CA), which comprises part of the commercial centre of the town. One of the focal points of the CA is the Market Square, which is a large square within the public realm. The kiosk is located to the east side of the Market Square, adjacent to a cobbled route for vehicles and a pedestrian footway that links to Abington Street. The buildings around the square have a variety of designs and form, although the predominant style is Georgian. There are various items of street furniture in the vicinity of the kiosk including: bollards, lamp posts, bins, an information board, 'A' signs and external seating areas.
5. The ground floors of the buildings around the square face into the square and are characterised by commercial activities such as retail, financial services and cafes. Advertisements and commercial signage are a common feature with the area. The appearance and design of the fascia signs on the buildings varies and there is no overriding pattern or design. Some of the signage in the area was illuminated and it is not an unusual or unexpected feature of signs within the town centre.
6. On my site visit I observed that there were other telephone kiosks in and around the square with advertisements on them. Although these were not illuminated as proposed in this advertisement, the overall size and style of the advertisement would be broadly similar. The proposed advertisement would not be directly next to the surrounding shopfronts. However, due to the size of the proposed advertisement in relation to the surrounding shopfronts and buildings, it would not appear out of proportion and would not appear as an incongruous feature within the street scene. As the proposed advertisement would be located on an existing item of street furniture it would not significantly alter the existing presence of street furniture and commercial signage in the area.
7. As the proposed advertisement is located within a CA and would be located close to Listed Buildings, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area and preserving Listed Buildings and their settings. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that their significance can be harmed or lost through development within their setting.
8. Having viewed the kiosk from a number of locations around the square, I am satisfied that it would not stand out as an incongruous, overly dominant or unduly prominent feature in relation to the surrounding buildings or the street scene. Accordingly, it would not cause any significant harm to the amenity of the area and the character or appearance of the CA and the setting of the surrounding listed buildings would be preserved.

9. I find that the proposed advertisement would not significantly harm the amenity to a degree that would justify withholding permission. In their reasons for refusal the Council has referred to Policy S10 of the West Northamptonshire Joint Core Strategy (2014); Policy 1 of the Northampton Central Area Action Plan (2013) and the Framework. However, the power under the 2007 Advertisement Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Accordingly, whilst I have had regard to the development plan and the Framework, in so far as they are concerned with amenity, they have not in themselves been determinative in my assessment of this appeal.

Other Matters

10. It has been suggested by Northamptonshire Police that the kiosk, particularly with an advertisement panel would cause anti-social behaviour and fear of crime and may restrict CCTV images and create blind spots. However, I have not been provided with substantive evidence to support this claim. The design of the proposed advertisement would not completely enclose the kiosk and there is nearby street lighting and natural surveillance of the kiosk from the surrounding area.

Conditions

11. The appellant and the Council have suggested additional conditions, which I have considered in relation to the guidance set out in the Planning Practice Guidance and amended where necessary. I have imposed conditions in addition to the five standard conditions set out in the Regulations. These are in the interests of highway and pedestrian safety, and to ensure that the visual appearance of the advertisement during non-daylight hours is not overly pronounced, such that it would unduly harm amenity.

Conclusion

12. For the reasons outlined above, the appeal is allowed.

D Peppitt

INSPECTOR