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## Appeal Decision

Site visit made on 18 December 2019

**by L Gilbert BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> February 2020**

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**Appeal Ref: APP/L5240/Z/19/3236304**

**Chiropody & Podiatry Centre, 80 North End, Croydon CR0 1UJ**

- 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 Michael Plank against the decision of the Council of the London Borough of Croydon.
  - The application Ref 19/02847/ADV, dated 19 June 2019, was refused by notice dated 8 August 2019.
  - The advertisement proposed is described as A Board to sit on pavement.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Michael Plank against London Borough of Croydon. This application is the subject of a separate Decision.

### Preliminary Matter

3. Both parties have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

### Main Issue

4. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

### Reasons

5. The appeal site is located within a Primary Shopping Area within the Central Croydon Conservation Area (CA). The advert would be sited on a pedestrian route interspersed by trees and street furniture. The proposed A Board would be located towards the centre of the walkway.
6. I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

7. The CA contains a diverse range of architectural styles and includes some of Croydon's most interesting commercial buildings, many of which are locally listed. Although the public realm around the appeal site contains street furniture, street trees and some advertising, it is generally uncluttered and visually open.
8. The proposed position of the A Board would be close to street furniture and a street tree. However, the siting and size of the proposed advert would add visual clutter to the street scene and this would materially detract from the historic buildings along the street and add to the erosion of the openness along North End, which contribute to the amenity of the area. However, due to the limited inter-visibility and separation, I do not consider the proposal would harm the view of the Town Hall Clock Tower or its setting as a heritage asset.
9. Having reached the conclusions above, I find that the proposed advertisement would materially harm the amenity of the area. In reaching this conclusion, I have taken into account Policies DM12, DM18 and SP4 of the Croydon Local Plan (2018) and the Central Croydon Conservation Area Appraisal and Management Plan Supplementary Planning Document (2014), which seek amongst other things to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.

#### *Other considerations*

10. The premises is located at first floor level and I understand the appellant's desire to promote their business to allow it to operate and thrive. In this regard I have considered both the National Planning Policy Framework (the Framework) and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement, support for innovative design and advertisements potentially being more favoured in commercial areas. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as those I have identified.
11. The appellant argues that their proposal is similar to an advertisement consent that was granted for an A Board (reference 18/03873/ADV), at 129-131 North End and other advertising in the vicinity which they consider would also affect heritage assets. However, I have not been provided with the full details of these applications. Regardless, I have identified that the proposal would harm the amenity of the area.
12. With regard to pedestrian safety, the A Board would be located close to other street furniture and away from the main pedestrian walking route. Therefore, it would not materially harm the public safety of pedestrians using the footpath.
13. I have carefully considered all the points raised by the appellant. However, these matters do not outweigh the concerns which I have in respect of amenity.

#### **Conclusion**

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*L Gilbert*

INSPECTOR