
Appeal Decisions

Site visit made on 13 September 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal A Ref: APP/N5090/W/21/3269744 **Outside 83 High Street, Barnet EN5 5UR**

- 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 Nathan Still, on behalf of JCDecaux, against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/5327/FUL, dated 6 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is the installation of a public payphone that will include an interactive public information screen and an illuminated sequential display. The unit is a communication hub that will enable the public to access a variety of online facilities and functions, including wayfinding, as well publicly access Defibrillation apparatus at no cost to the user.
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Appeal B Ref: APP/N5090/H/21/3269746 **Outside 83 High Street, Barnet EN5 5UR**

- 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, on behalf of JCDecaux, against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/5328/ADV, dated 6 November 2020, was refused by notice dated 4 January 2021.
 - The advertisement proposed is the display of a 6-sheet illuminated advertisement incorporated into a freestanding communications hub unit.
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Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The two appeals relate to the same appeal site and to each other. I have considered each on its individual merits, but as they raise similar issues, I have dealt with the case in a single decision letter.
3. The appellant has used the original description of the proposal, rather than the Council's version, in their appeal form with respect to both proposals. I have not seen confirmation that the description was agreed to be altered. I have therefore retained the original descriptions of development.
4. With respect to appeal B, the Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the 2007 Regulations to control advertisements may only be exercised in the interests of visual amenity and

public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination of appeal B.

Main Issue

5. The main issue, with respect to Appeal A, is whether the proposed communication hub would preserve or enhance the character or appearance of the Wood Street Conservation Area (CA).
6. Paragraph 136 of the National Planning Policy Framework (The Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has not identified harm to public safety and therefore the main issue, with respect to Appeal B, is the effect of the proposal on visual amenity.

Reasons

7. The site, the subject of the appeals, is within a commercial area in a town centre location. Nearby retail units have largely discrete and subdued illuminated signage. High Street is a commercial thoroughfare with wide footways. Local street furniture has a consistent design style. It is arranged in groups within defined linear rows presenting a visually coherent and coordinated appearance. This approach to grouping allows for the retention of large and uncluttered sections of footway. The appeal site is close to a group of cycle hoops. Nevertheless, being unobstructed and beyond existing groupings, the section of footway contributes positively to the uncluttered and open character of the majority of the footway.
8. The Council's Design Note, for advertising and signs, seeks advertisements that relate well to their surroundings and avoid visual clutter. Paragraph 112 of the Framework seeks development that avoids unnecessary street clutter and responds to local character and design standards. The Council seems to have rationalised street furniture along High Street to create a pleasant and pedestrian friendly environment.
9. The appeal site is within the Wood Street CA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA seems to derive from the architectural detailing of many historic buildings along High Street set within a historic street pattern. A key view, looking south along High Street takes in the tower of St John the Baptist Church to the southern end of the Street, and nearby listed buildings. This provides an important historic context. The public realm contributes to this setting, providing open spaces that frame the surrounding close knit-built form.
10. The careful placement and design of street furniture, such as benches, trees and litter bins, respects the historic character of High Street. The design of these is uniform, subdued and shows an overarching and coordinated design philosophy. In contrast, the proposed structure would be a prominent and modern intervention within this important view. The proposal would be relatively utilitarian, especially due to its wide base and monolithic form. Therefore, in comparison to existing street furniture, the proposal would appear as a substantial, bulky and stark intervention to the CA.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

11. Although, modern items of street furniture exist within conservation areas the proposed structure would be appreciably larger and of greater prominence than nearby street furniture, partly due to its inclusion of an illuminated advertisement. Consequently, it would be an incongruous addition to the street that would not integrate well with existing features.
12. As a result, the proposal would not preserve or enhance the CA. Accordingly, in regard to appeal A, the proposal would not accord with Policies DM01 and DM06 of the Barnet Development Management Policies DPD (2012), CS5 of the Barnet's Local Plan - Core Strategy (2012) and the Barnet Design Guidance Note 1: Advertising and Signs. These, among other matters, seek development that would preserve or enhance the local character and respect the appearance and pattern of surrounding buildings, spaces and streets. Furthermore, the proposal would not comply with the Framework, which seeks well designed places where development is sympathetic to the local character.
13. The harm to the CA would be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be weighed against any public benefits of the proposal. The proposal consists of a communication hub which includes an illuminated advertising screen, defibrillator, data connection point and further services as detailed by the appellant. However, the public benefit of these services would be relatively limited and would not therefore outweigh the harm found to the CA. Furthermore, with respect to Appeal B and for the above reasons, the proposal would harm the visual amenity of the area.

Other matters

14. The imposition of planning conditions would not overcome the harm I have identified. I do not consider therefore that conditions would mitigate the harm to the character and appearance of the area.
15. The approved scheme in East Finchley would replace a larger free-standing advertisement. Also, the approved advertisement, adjacent to 112 High Street, appears to form part of a bus shelter. This is therefore a different form of structure to that proposed with a different functional requirement. As such, the context and considerations of those two proposals were materially different to that of the proposal.
16. Chapter 10 of the Framework identifies that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. However, these considerations are not without regard to the Framework as a whole and this is only of limited weight in favour of the proposal.

Conclusion

17. Therefore, for the reasons given, I conclude that the appeals A and B do not succeed.

B Plenty

INSPECTOR