
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: 29 September 2021

Appeal A Ref: APP/N5090/W/21/3269739 **113 High Street, Barnet EN5 5UZ**

- 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 20/5325/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 online facilities and functions, including wayfinding and publicly accessible defibrillator, at no cost to the user.
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Appeal B Ref: APP/N5090/H/21/3269741 **113 High Street, Barnet EN5 5UZ**

- 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 20/5326/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. Both appeals A and B are 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. The Council has referenced policies that it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only 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 consideration of appeal B.

Main Issues

5. The main issues, with respect both Appeals A and B, are:

- the effect of the proposal on the character and appearance and visual amenity of the area, and
- the effect of the proposed communication hub on highway safety.

Reasons

Character and appearance

6. 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 adjacent to a range of street furniture consisting of benches, street-lights, street trees, a refuse bin and cycle hoops. The site is a short distance from a pedestrian crossing and would be immediately adjacent to a display board providing information about the area. Being an otherwise unobstructed section of a wide section of footway the site makes a positive contribution to the uncluttered and open character of the majority of the footway.
7. The proposal consists of a 'communication hub' which includes an illuminated advertising screen, data connection point and further features providing a range of public services. During my visit I noted that a similar feature has been installed adjacent to 109 High Street. However, this sits within a small group of street furniture, away from the kerb line and retains the open appearance of the surrounding 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 National Planning Policy Framework (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 proposal would be located extremely close to an existing bench and the display board. It would not be aligned with existing furniture and would be a bulky addition to this group. It would therefore crowd, and form an incoherent addition to, the existing street furniture. Accordingly, this would not respect the largely open and uncluttered character of the footway.
10. As a result, the proposal would harm the character and appearance of the area. Accordingly, in regard to appeal A, the proposal would not accord with Policy DM01 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 policies and guidance, among other matters, seek development that would preserve or enhance the local character.

Furthermore, the proposal would not comply with the Framework, which seeks well designed places where development would be sympathetic to the local character. Furthermore, with respect to Appeal B and for the above reasons, the proposal would harm the visual amenity of the area.

Highway safety

11. The highway is subject to a 30mph speed limit. Motorists passing through this busy commercial area would need to be vigilant due to the distractions and potential obstacles evident in such a setting. The proposal would be located adjacent to a pedestrian crossing. This presents one of the few traffic-light controlled crossing points across High Street and was in frequent use during my visit. The proposed advertisement would be within the 'frame' of the traffic signals as viewed by drivers along High Street from the south.
12. High Street contains a busy setting with high levels of other road users and pedestrians adding to the illuminated and vibrant environment. In this context roadside advertisements, such as the proposal would be unlikely to result in a sustained distraction to motorists. Furthermore, even if I were to assume that the contents of the advertisement were to include graphics similar to the traffic signal lighting, any distraction would be limited. This would therefore be unlikely to result in a significant distraction provided that motorist displayed the normal care and attention.
13. However, the proposal would block views of pedestrians approaching the nearby crossing. Pedestrians may attempt to cross High Street, bypassing the formal crossing and emerge unexpectedly from behind the proposal. This scenario would be especially hazardous due to its location close to both the pedestrian crossing and the kerb edge.
14. As a result, the proposal would result in substantial harm to highway safety. Accordingly, in regard to appeal A, the proposal would not accord with Policy DM17 of the Barnet Development Management Policies DPD (2012), and the Barnet Design Guidance Note 1: Advertising and Signs. This policy and guidance, among other matters, seeks development to take into account the safety of all road users. Furthermore, the proposal would not comply with the Framework, which seeks to resist development that would result in an unacceptable impact on highway safety. Furthermore, in regard to Appeal B and for the above reasons, the proposal would also have a detrimental effect on public safety.

Other matters

15. The approved scheme in 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 and therefore a different form of structure to that proposed. As such, the context and considerations of those two proposals were materially different to that of the proposal.
16. Moreover, the imposition of planning conditions would not overcome the harm identified to the character and appearance of the area or to highway safety.
17. 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. Furthermore, whilst the proposed communication hub would include a defibrillator, data connection point and further services, these merits are only of limited weight in favour of the proposal.

Conclusion

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

B Plenty

INSPECTOR