



Appeal Decision

Site visit made on 5 April 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/Y5420/W/21/3284560

Footpath outside 21-23 High Road, London N22 6BH

- 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 Ms Bella Noakes of British telecommunications PLC against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/1730, dated 4 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is removal of existing BT phone box & installation of a proposed replacement BT street hub & associated display of advertisement to both sides of the unit.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing BT phone box & installation of a proposed replacement BT street hub at footpath outside 21-23 High Road, London, N22 6BH in accordance with the terms of the application, Ref HGY/2021/1730, dated 4 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HRG-212 Rev A, and the elevational details, except in respect of the adverts, shown on digital kiosk proposal drawing.
 - 3) Prior to the commencement of the installation of the proposed BT street hub, the existing BT phone box shall be removed and the land restored to its former condition.

Preliminary Matters

2. It is understood that separate applications for planning permission and advertisement consent¹ for the proposal were submitted to the Council and both were refused. Although appeals were submitted against both decisions, my decision relates only to the refusal of planning permission, not to the refusal of advertisement consent. I have therefore altered the description of the development in my decision above to reflect this. However, I have taken into account the effect of likely adverts being provided on the development.

¹ Ref HGY/2021/1496

Main Issue

3. The main issue is the effect of the BT street hub on the character and appearance of the area, and the effect on pedestrian and highway safety.

Reasons

Character and appearance

4. The proposal would be sited in a busy commercial area. There are shops on both sides of the road and Turnpike Lane underground station is a short distance to the south. The pavement is wide but there are various items of street furniture along it, including street lamps, waste bins, cycle stands, and bus stop shelters. There are also two trees to the south of the site, either side of the existing BT phone box.
5. The existing phone box comprises a phone with a small canopy shelter on one side and an advert on the other, which does not appear to be illuminated. The unit is around 2.5metres high. Due to its lack of illumination, modest height and position between two trees, it does not appear prominently in the street scene.
6. Functionally, the proposed BT street hub unit would provide wi-fi, boost 5G coverage and have a phone. It would be noticeably taller, would most likely have illuminated adverts on two sides, and would be in a more open location on the pavement than the existing unit.
7. However, there is a unit outside No. 32 of a similar height, width, depth and overall design to the proposal and actively contributes to the street scene, particularly when seen from the south. The development would therefore not appear alien in this context. In addition, with the existing BT phone box removed, there would be no increase in the amount of street furniture and therefore there would be no additional cluttering effect.
8. Furthermore, there are numerous adverts, including illuminated adverts, in proximity to the site. These include fascia signs, small projecting signs above the shops, and adverts on the bus stop shelters. Notably the unit outside No. 32 has illuminated adverts on both sides. Overall, the development, and any likely adverts upon it, would not appear incongruous.
9. Consequently, the development would not harm the character and appearance of the area. It would therefore accord with policy SP11 of the Haringey Local Plan (2013) which requires all new development to create places that are attractive, and policy DM1 of the Development Management Development Plan Document (2017) (the 'DMDPD') which requires development to contribute to the distinctive character of the local area. It would also comply with policies D8 of The London Plan (2021) and DM3 of the DMDPD, which both generally seek to ensure that development in the public realm is well-designed. In addition, it would not conflict with DMDPD policy DM54, which supports high quality communications infrastructure.
10. The Council refer to Local Plan policy SP12 and London Plan policy HC1 in their decision notice, but these both relate to heritage and it has not been suggested that the development would be in proximity to a heritage asset. As such these policies have little relevance to the proposal.

Pedestrian and highway safety

11. The unit would be located close to a pedestrian crossing, which is a particular point where drivers should not be distracted. However, there are already a number of potential distractions here, including buses stopping at or pulling away from bus stops, cars emerging from Whymark Avenue, or pedestrians crossing the road indiscriminately, which I saw often at my site visit. As such, drivers would be well aware of all these potential hazards and would most likely be travelling slowly. Moreover, there is a proliferation of other illuminated adverts at street level such as those at the bus stops and that outside No. 32. This means that a possible additional advert would not be likely to draw the eye or distract drivers from the road or from crossing pedestrians. Overall, I do not consider the development would be a distraction to drivers.
12. The section of pavement on which the unit would be positioned is wide. Even with the unit in place, the remaining effective pavement would be well in excess of the 2 metres recommended by Manual for Streets, as suggested by the appellant. It would be wide enough to easily accommodate the high volume of pedestrian traffic it carries. Indeed, the remaining effective pavement here would be wider than that section to the south where the two trees and the existing BT phone box is.
13. The unit could represent a visual obstruction for pedestrians. Nonetheless, it would be positioned close to the road side of the pavement; generally in line with the cycle stands, waste bin and bus stop shelters. These items mean that most pedestrians would be on the side of the pavement close to the shops. It would therefore be no greater visual obstruction than the bus stops or trees nearby. As such I do not consider that it would be a harmful visual impairment or physical obstruction to pedestrian flow, including for those pedestrians with disabilities, or could increase crime or the fear of crime.
14. Overall, the proposal would not be harmful to pedestrian or highway safety. It would therefore accord with policy D8 which aims to ensure that the public realm is safe. It would also accord with policy DM3 which requires that telecommunications equipment maintains sufficient footway width.

Conditions

15. The Council have not suggested any conditions. Nonetheless, I have imposed the standard condition relating to the commencement of the development, and a condition specifying the approved plans in the interests of certainty. I have also added a condition requiring the removal of the existing BT phone box before the installation of the proposed street hub, as this reflects the proposal and ensures there would be no excess clutter.

Conclusion

16. The proposal accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR