
Appeal Decisions

Site visit made on 7 June 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal A Ref: APP/N5090/W/21/3279420

O/S Budgens Stores Ltd, 1 Viceroy Parade High Road , Finchley, London N2 8AQ

- 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 JCDecaux UK Limited against the Council of the London Borough of Barnet.
- The application Ref 21/1480/FUL is dated 17 March 2021.
- The development proposed in the combined application form is: The installation of a Communication Hub with integral advertisement display, as per Specification in Part 2 document.

Appeal B Ref: APP/N5090/H/21/3279422

O/S Budgens Stores, 1 Viceroy Parade High Road , Finchley, London N2 8AQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by JCDecaux UK Limited against the Council the London of Borough of Barnet.
- The application Ref 21/1481/ADV is dated 17 March 2021.
- The advertisement proposed in the combined application form is: The installation of a Communication Hub with integral advertisement display, as per Specification in Part 2 document.

Decision

1. Appeal A is allowed, and planning permission is granted for the installation of a communication hub with integral advertising display, O/S Budgens Stores, 1 Viceroy Parade High Road , Finchley, London N2 8AQ in accordance with the terms of the application, reference 21/1480/FUL, dated 17 March 2021, and subject to the conditions set out in the attached Schedule.
2. Appeal B is allowed, and express consent is granted for the display of the advertisement, as applied for under reference 21/1481/ADV dated 17 March 2021. The consent is for five years from the date of this decision and is subject to the five standard conditions as set out in the Regulations, and the additional conditions set out in the attached Schedule.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. In the interests of conciseness and to avoid unnecessary repetition, I have dealt with both appeals together in my reasoning.
5. Matters relating to Appeal B - Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn my attention to policies it considers relevant to this appeal, and I have taken them into account as a material consideration though they have not, by themselves, been decisive in my determination.
6. At the time of my site visit I observed the existing advertisement column had been removed.

Main Issue

7. Following the submission of the appeals against non-determination, the Council has clarified the position they would have taken on the applications in the event that they had made the decisions. The Council did not raise any public safety concerns regarding the proposed advertisement consent application and from what I saw on site I would agree with them on this matter.
8. In light of that information, the main issue for both Appeal A and Appeal B is:
 - the effect of the proposal on the character, appearance and visual amenity of the surrounding area.

Reasons

Character and Appearance and Visual Amenity

9. The appeal site is on the public pavement located in a busy and lively high street with many items of street furniture and signage of various forms, including illuminated signs.
10. The proposed communications hub would be sited on a pavement area where it would replace the previous advertising column that was, based upon the evidence before me, designed in a heritage style. The new structure would be more modern in appearance, smaller in scale and rectangular in elevation, with a changing illuminated advertisement screen on one side and a smaller screen on the other. It would incorporate a number of elements, including defibrillation apparatus and a variety of online facilities and functions.
11. The materials would be new and modern and this against the backdrop of the busy high street setting would ensure it would integrate well with its surroundings. It would not, by reason of its size and position have a materially greater impact on the character and appearance of the area as the advertisement column it would replace.
12. The proposed levels of illumination would not result in the proposal appearing overly prominent or incongruous in the context of the busy high street setting. Furthermore, the proposed levels of illumination would comply with the guidance set out in the ILP with a light sensor to adjust lighting levels. This along with the siting and the separation distance from residential properties, ensures the proposal, as a result of its scale, location and levels of illumination, would not adversely affect the visual amenities of the area.

13. Taking these factors into account, I am satisfied that the proposal is acceptable in terms of its effect on the character and appearance of the surrounding area, and that it would not unduly harm the visual amenity of the area.
14. Consequently, insofar as they are material considerations in the determination of this matter, there is no conflict with Policy DM01 of Barnet's Local Plan (Development Management Policies) 2012, Barnet's Design Guidance Note 1 and the National Planning Policy Framework, which collectively seek high quality development and adverts that protect the scale of their surroundings.

Conditions

15. I have taken account of the conditions specified by the Council, as well as those suggested by the appellant. A commencement condition will apply, and a condition is needed to define the planning permission by reference to the approved relevant documents, although specific reference to certain submitted documents is unnecessary. A specific condition is not considered necessary for the removal of the existing free-standing display as this, as noted has already been removed.
16. Conditions relating to the ongoing management of the development are appropriate to maintain satisfactory living conditions and public amenity in the area.
17. As well as the standard five conditions set out in the Regulations, a condition controlling the levels of illumination and movement of the images contained in the advertisement are necessary in the interests of public and highway safety.

Conclusion

18. For the reasons given above and having had regard to all other matters raised, I recommend that Appeal A and Appeal B should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are allowed.

J Hunter

INSPECTOR

Schedule of Conditions

1. This development must be begun within three years from the date of this permission. Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Hub Unit Details Part 2.
3. The development hereby approved shall be maintained in accordance with the measures detailed in the Communication Hub Unit Management Plan (October 2020).
4. The maximum luminance of the signs shall not exceed the values recommended in the association of Public Lighting Engineer's Technical Report No. 5, Zone 3.
5. No visual effects of any kind are permitted to accompany the transition between any two successive messages. The replacement image shall not incorporate any fading, swiping or other animated transitional method.
6. The minimum time between successive displayed images shall be 10 seconds.
7. The intensity of the illuminance of the advertisement shall be no greater than 600 Cdm² during hours of darkness.