



Appeal Decision

Site visit made on 23 August 2022 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/G5180/Z/21/3286846

Telephone Kiosk Outside 162 High Street Bromley¹

- 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 Ms Bella Noakes on behalf of British Telecommunication Plc against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02647/ADV, dated 10 May 2021, was refused by notice dated 17 September 2021.
 - The advertisements proposed are two digital 75-inch LCD display screen, one on each side of the amended InLink unit.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Procedural Matters

3. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the development plan policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

4. The effect on the visual amenity of the area and whether the advertisement would preserve or enhance the character or appearance of the Bromley Town Centre Conservation Area (CA).

Reasons for the Recommendation

5. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing

¹ Taken from Appeal Form

amenity, it is reasonable to consider characteristics of the neighbourhood. For example, whether the proposed advertisements would be in keeping with important features.

6. The character of the CA is derived from large commercial buildings with fine Art Deco /classical style department store façade, along a wide paved pedestrian High Street. At street level, it comprises a mix of shops, pubs and other commercial uses. This area forms the main retail and commercial core of the town, which focuses on the retail frontage of High Street which is a fundamental part of the town's market heritage. Despite the existence of commercial uses in the area, digital illuminated advertisements are not a prevalent feature. Advertisements are generally confined to shopfronts and are mostly non-illuminated and reasonably modest in design.
7. By virtue of the sequential format of displaying advertisement, with changing images every 10 seconds or so, the digital display panels would appear more prominent than the existing telephone kiosks. The type and design of the advertisement would detract from the retail frontage of the along this section of the High Street Bromley, and it would be visually harmful to the locality. Furthermore, whilst the areas are well lit and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements², the proposals' illumination and changing images would be an incongruous feature which would compromise the character and appearance of the area, especially during the hours of darkness.
8. The appellant refers to a series of appeal decisions which allowed similar proposals. These appeals are mostly situated in a busy, city centre locations as compared with the appeal before me which is located within a town centre which is devoid of illuminated advertising. In any case, each application and appeal should be considered on its own merit, and these examples do not justify harmful development. In this location, the digital illuminated sequential displays would be discordant and unduly prominent features.
9. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. The harm caused to the heritage assets in this case would be less than substantial, given that the proposal would only affect part of the conservation area and would not result in a total loss of significance of the CA. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character **and** appearance of a conservation area, great importance and weight must be attached to the harm identified.
11. In line with paragraph 202, I am required to weigh **ed-the** less than substantial harm to the significance of a designated heritage asset against the public

² PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

benefits of the proposal. The appellant considers that the proposal would promote social inclusion and economic support, by providing free Wi-Fi connectivity and the other services. However, these can be provided without digitally illuminated advertising. Moreover, the provision of digital communication is a separate scheme³ and not the appeal before me which is only concerned with the two digital display screens. The removal of the existing call boxes is also part of that scheme. Accordingly, the benefits do not relate to this appeal and would not outweigh the harm identified.

12. For the reasons outlined above the proposed two digital 75-inch LCD display screens would be detrimental to amenity as a result of the harm to the character and appearance of the CA. Although the starting point for my decision is the effect on amenity rather than the development plan, the proposals would be inconsistent with the objectives of Policies 41 and 102 of the London Borough of Bromley Local Plan and the Framework which collectively, amongst other things, seek to ensure that advertisements, hoardings and signs preserve or enhance the character or appearance of conservation areas.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird

Inspector

³ 21/02581/FULL1