



Appeal Decision

Site visit made on 29 August 2022

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/N5090/Z/21/3287076

Opposite Hendon Town Hall, The Burroughs, London, NW4 4BD

- 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 of British Telecommunications Plc against the decision of London Borough of Barnet.
 - The application Ref 21/4184/ADV, dated 8 July 2021, was refused by notice dated 21 September 2022.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the amended InLink unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form description, Decision Notice, and appeal form refer to an InLink Unit, whereas the appellant's appeal statement explains that the InLink product is no longer commercially available. Its proposed replacement has an upgraded service offer and is termed a 'Street Hub'. However, the use of the two names appear interchangeable in the various evidence submitted, including within the officer's report. Therefore I do not consider that any interests will be compromised by retaining the original description, however, for clarity shall use the term Street Hub in my discussion.
3. The Appellant presents several upgraded electronic communications infrastructure benefits in support, including free wi-fi and charging, and display of community messaging. However, this appeal is only for the advertisements, and not for the host unit which I understand is the subject of a separate refused application. The Regulations state that advertisements should be subject to control only in the interests of amenity and public safety. Alongside the National Planning Policy Framework and the Planning Practice Guidance, there is no indication that any of these suggested benefits can be taken into account and so I have not considered them within my decision.
4. I have noted the Council's emerging draft Local Plan, but its policies have not been relied upon for the Council's refusal or raised in support by the appellant, and so I have not considered them further.

Main Issues

5. The main issues are:

- The effect of the proposed advertisements on the visual amenity of the area, with particular regard to the effect on the adjacent listed buildings and Conservation Area; and
- The effect of the proposed advertisements on public safety.

Reasons

Visual amenity

6. The site is located on a wide pavement in front of a grass verge and hedge around a small car park, on a broad straight stretch of road called The Burroughs. The site lies diagonally opposite the edge of The Burroughs Conservation Area, and faces the Grade II listed Town Hall and Hendon Library buildings and their small formal gardens in front. There are a mix of other nearby uses including small commercial ground floor properties with residential above, a church, and various dwellings. The overall impression is of a relatively formal, uncluttered, and attractive civic space with long vistas.
7. The proposal is to replace the existing phone box with a Street Hub unit, which hosts a digital advertisement on either side. The site is adjacent to a bench, and a bus stop and shelter which incorporates advertisements on one end. There is relatively little other street furniture including litter bins, railings, and cycle stands, with the only other advertisements being small scale as part of the commercial frontages slightly further along. This lack of street furniture and illuminated advertising is a positive attribute of the streetscene and contributes to its civic character.
8. The insertion of the illuminated advertisements in the proposed location would therefore be very out of keeping with the street's character. While the bus stop gable advertisement is already somewhat prominent within the streetscene, adding additional advertisements in close proximity would create a wall effect of advertising, particularly from medium to longer distance views, which would be exacerbated by their illumination.
9. I have a statutory duty under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to specifically consider the impact of the proposal on the special architectural and historic interest of listed buildings and their setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
10. I find that the proposal would impact the key attributes of the setting of the listed buildings, being the formal civic character and focal point of broad vistas along the street. The advertisements would be unduly obtrusive and draw attention away within this setting. I conclude the proposal would cause less than substantial harm to the significance of these designated heritage assets, with no public benefits to outweigh this harm.
11. The Burroughs Conservation Area designation is only small and is focused around the cohesive nature of the period terraces along The Burroughs, therefore one of its key features is in appreciating the view along that street. The Conservation Area buildings closest to the appeal site are also locally listed as heritage assets. The negative impact of the advertisements would be noticeable from within the Conservation Area boundary, and thus its character and appearance would not be preserved or enhanced. Similarly therefore, I conclude the proposal would cause less than substantial harm to the

significance of The Burroughs Conservation Area as a designated heritage asset, with no public benefits to outweigh this harm.

12. The appellant provides example quotations from other appeals in support. Some are not relevant as I am only considering the advertisements and not their host unit. Notwithstanding this, other examples are not directly comparable in this instance as they do not reflect the specific visual context of the appeal site and the positioning of other street furniture and lack of existing advertisements, as well as the heritage assets.
13. The appellant highlights that there is an extant permission for a very similar proposal. However, I have not seen details of any advertising within that InLink unit to allow a full comparison. Notwithstanding the details, the appellant's own evidence also states that the unit type which previously gained consent has not been commercially available since 2019, and I also note that the 3 year time period for that consent to commence has now passed. I therefore give this fallback position very little weight, and have based my decision on the current circumstances of the streetscene and its character.
14. In addition, I have considered the evidence suggesting an improved visual appearance overall due to the reduced footprint and modern appearance compared to the existing phone box, but do not agree that the addition of digital display screens to the streetscene is an improvement.
15. I acknowledge that the proposed level of illumination appears to be in line with industry standards and best practice, and that conditions could control matters such as luminosity, frequency of image change, and for the use of only static images. However, this would not mitigate the harm as outlined above.
16. I have taken into account policies DM01 and DM06 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the Barnet Design Guidance Note 1: Advertising and Signs (1993), which are material in this case. This is because they seek to protect Barnet's character, amenity, and visual quality, including that of the local historic context, and for proposals to respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies and guidance.

Public safety

17. While I acknowledge that the change from the existing phone box to a Street Hub would create only a slight increase in width, despite the wide pavement overall the Street Hub would be positioned directly in line with the bus shelter stop sign. The pavement at this location would therefore be narrowed to the extent that it would have a detrimental impact on ease of pedestrian movement, particularly people with mobility or visual disabilities. Any alternative line of movement would still need to navigate around the bus shelter sited in close proximity. This need to maintain free passage is especially important because a localised concentration of pedestrians could already be expected at busy times around the bus shelter and bench, added to the further potential for users of the new Street Hub as the advertisement host unit. The addition of advertisements compared to the relatively transparent phone box would also create a stronger perception of this narrowing.

18. The appellant cites in support various published guidance on acceptable minimum footway widths. Notwithstanding which precise measurements may be most appropriate, as explained above the specific circumstance of the proposed relationship with existing street furniture is most relevant in this instance. I also find that the ethos of such guidance to maintain sufficient unobstructed width for pedestrians further supports my conclusion.
19. Policy CS9 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Policy DM17 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) are material in this case. They seek to ensure that the safety of all road users are taken into account when considering development proposals, oppose conflicting movements and an increased risk to vulnerable users, and promote the ability to move at will and to make walking more attractive. The proposal conflicts with these policies.

Conclusion

20. For the reasons given above I conclude that the display of the two digital 75 inch LCD display screens, one on each side of the amended InLink unit, would be detrimental to the interests of visual amenity and public safety, and therefore the appeal should be dismissed.

L Hughes

INSPECTOR