



Appeal Decision

Site visit made on 23 August 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/N5090/Z/21/3287033

O/S 89-91, Watling Avenue, Edgware HA8 0LA

- 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 BT PLC against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1144/ADV, dated 22 February 2021, was refused by notice dated 22 September 2021.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the InLink Unit.
-

Decision

1. The appeal is allowed and express consent is granted for two digital 75 inch LCD display screens, one on each side of the InLink Unit. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 600 candela per square metre during night-time hours.
 - 2) The advertisement displayed on the media screen shall be a series of static images, which shall not feature any flashing, moving or apparently moving images of any kind.
 - 3) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less).

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 Matter

3. This appeal relates only to an application for an advertisement consent. It does not focus on any related matters that would require a planning permission.

Main Issue

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

5. The Council has concluded that the advertisement would be acceptable in terms of public safety, and I have no reason to disagree. Therefore, the main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is located in the Watling Estate Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The site is located on a wide section of pavement along a busy commercial road and close to an underground station; there is a high volume of pedestrian and traffic flow. In the immediate vicinity of the site, there is a range of street furniture including a bench, bins and a bus stop. Advertising in this area is primarily characterised by low level signage associated with the ground floor businesses. However, there is some general advertising, including poster displays at the bus stop which is situated a short distance to the north-east of the site.
7. There is an extant consent at the site for an InLink unit¹, which would have a height of approximately 2.9 metres, a width of 0.89 metres and a depth of 0.28 metres. The proposal would instead result in a BT Street Hub with a height of approximately 2.98 metres, a width of 1.236 metres and a depth of 0.35 metres. The appeal scheme would also have larger display screens on each side of the unit, resulting in an increase of 0.46 metres in height and 0.26 metres in width. There would be long views of the proposed unit from the south-west, however views from the north-east would be partially blocked by the nearby bus stop.
8. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
9. The proposed size increase of the appeal scheme from the extant scheme would be modest and would not result in any additional harmful visual impact to the Watling Avenue streetscene. Its proposed scale and height would preserve the character of advertising prevailing in this area. Moreover, it would be viewed within the context of an area of existing street furniture which, in combination with the generous width of the pavement, would prevent the unit from appearing as unacceptable visual clutter. The bus stop would also reduce the proposal's visual impact, particularly when viewed from the north-east. There would be no conflict with the Design Guidance Note 1 (Advertising and Signs) which seeks to ensure advertisements are well related to their surroundings in terms of size and scale and are located to avoid visual clutter.
10. For the above reasons, the proposal would not harm the visual amenity of the area. As such, it would accord with Barnet's Local Plan (Development Management Policies) Development Plan Document, adopted September 2012, specifically Policy DM01 which seeks to ensure development proposals preserve or enhance local character and respect the appearance of spaces and streets. It would also accord with Policy DM06 which seeks to ensure development proposals preserve the character and appearance of conservation areas in

¹ LPA Ref 19/2313/ADV

Barnet. The appeal scheme would also accord with The London Plan, adopted March 2021, specifically Policy D8 which seeks to ensure the public realm is well-designed and Policy HC1 which seeks to ensure that proposals affecting heritage assets should conserve their significance. There would be no conflict with the Framework which seeks to resist proposals where advertisements are poorly sited and designed.

Conditions

11. The five standard conditions as set out in the Regulations will apply.
12. To prevent the proposal from appearing overly distracting, conditions are recommended to require all displayed images to be static, that the transition between images must be almost instantaneous, and that the changes occur not more frequently than once every 10 seconds. I also recommend a condition to restrict the illumination of the display screens at night-time which is necessary to prevent harmful levels of distraction and protect the visual amenity of the area.
13. In the Officer's Report a condition relating to the use of an anti-social behavioural management plan has been suggested, but this has not specifically been requested at the appeal stage. Also, the decision notice pertaining to the extant consent does not have a similar condition. In any event, these concerns relate to the Street Hub's capabilities to allow calls and are not directly related to the advertising itself. Therefore, recommending such a condition is not considered necessary in this appeal.

Conclusion and Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR