
Appeal Decision

Site visit made on 22 September 2022 by M Long BA (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2022

Appeal Ref: APP/G5180/Z/21/3289144

Footpath O/S Kelsey House, High Street, Beckenham, London Borough of Bromley, London BR3 1EB

- 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 British Telecom Plc against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02651/ADV, dated 10 May 2021, was refused by notice dated 20 October 2021.
 - 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.

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. The appeal documents indicate that a separate planning application was made to remove the existing BT phone box at the site and erect a replacement BT Street Hub unit¹, which was subsequently refused by the Council. As only the advertisement consent is before me, this appeal relates solely to the proposed advertisements. The determination of whether planning permission should be granted for the Street Hub would require separate consideration.

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.

¹ LPA Ref: 21/02578/FULL1

Reasons for the Recommendation

6. The appeal site relates to a pavement outside No 75 High Street; there is an existing phone box at this location with an affixed poster advertisement that faces eastwards. The site is within the Beckenham High Street Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The surrounding commercial area is largely comprised of ground floor level businesses. As such, advertising in this location is primarily small-scale and low-level signage that is associated with these premises. There is a variety of illuminated and non-illuminated advertisements, however digital advertisements do not characterise this part of the Conservation Area.
7. The proposed digital screens would be on either side of a Street Hub and face towards those approaching from both the east and west along the High Street. The display screens would be capable of showing changing static imagery.
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 proposal would increase the amount of advertising in this area by replacing a singular poster display with two digital screens. Given that there is a limited amount of general advertising in the wider vicinity, this increase would appear overly dominant within the streetscene. The proposal would be particularly intrusive when viewed from the west as there are no existing general advertisements at this site that face westwards and so the proposed digital screen would feature as additional visual clutter. Furthermore, the introduction of digital illumination would not preserve the character of advertising in this part of the Conservation Area. The changing imagery would attract substantial attention and would appear overly prominent within the streetscene, to the detriment of the area's visual amenity.
10. The advertisement and its supporting structure may have a more compact appearance in the streetscene than the existing structure at the site. However, this would not sufficiently mitigate the harm that would arise from the increased amount of advertising at this location, as well as the introduction of a form of advertising that is out of keeping with the Conservation Area.
11. The appellant has directed my attention to a number of extracts from previous appeal decisions in which Planning Inspectors found similar schemes to be acceptable². The full details of these cases are not before me, however, it appears that the Inspectors have reached a conclusion with consideration and reference to the specific local context of each scheme, for instance, on the basis that there are existing digital signs within the town centre. I must consider each appeal on an individual basis with reference to its local context, and, in this case, the scheme would be detrimental to the distinctive character of the Conservation Area.

² Appeal Ref: APP/Z5630/H/3209488, APP/N5660/W/18/3199793, APP/Z41310/W/3205102 and APP/Z1775/Z/18/3211052

12. The appellant has referred to The London Plan, adopted March 2021, specifically Policy SI6 which seeks to ensure the effective use of the public realm to accommodate well-designed and suitably located mobile digital infrastructure. While the digital screens themselves can be utilised for public information, their overall design is not appropriate in this location and so would be contrary to this Policy. There would be further conflict with Policy HC1 which seeks to ensure that development proposals affecting heritage assets conserve their significance, and Policy D8 which seeks to ensure the public realm is well-designed and related to the local context.
13. Given the above, the proposal would result in harm to the visual amenity of the area. It would be contrary to the Local Plan, adopted January 2019, specifically Policy 102 which seeks to ensure advertisements have regard to the character of the surrounding area, and Policy 41 which seeks to ensure that new development respects existing features that contribute to the character and appearance of conservation areas. There would be further conflict with the Framework, which seeks to resist advertisements that are poorly sited and designed.

Other Matters

14. The appellant has outlined numerous ways that the advertisement displays can be used for the public benefit, including the display of public health and community information, crime awareness and emergency messaging. Nevertheless, the benefits arising from these capabilities would not sufficiently mitigate the harm that would arise to the visual amenity of the area.
15. There are a number of associated benefits related to the Street Hub functions, such as improved internet coverage and access to communication technology. However, this appeal focuses on the proposed advertisements and so these benefits do not form a consideration in this report.

Recommendation

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR