
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: 06 October 2022

Appeal Ref: APP/G5180/Z/22/3292316

**Footpath O/S Tesco Express, 72 Anerley Road, Crystal Palace, London
Borough of Bromley, London SE19 2AH**

- 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/21/02594/ADV, dated 10 May 2021, was refused by notice dated 14 December 2021.
 - The advertisement proposed is two digital 75 inch LCD display screens, one each side of the amended InLink unit.
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Decision

1. The appeal is allowed and express consent is granted for two digital 75 inch LCD display screens, one each side of the InLink unit as applied for. 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. The appeal documents indicate that a separate planning application was made to remove the existing BT phone boxes at the site and erect a replacement BT Street Hub unit ¹, which was subsequently refused by the Council. As only the

¹ LPA Reference: 21/02559/FULL1

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 Issues

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 main issues are the effect of the proposed advertisement on the visual amenity of the area and on public safety.

Reasons for the Recommendation

6. The appeal site is on a wide pavement outside Tesco Express at No 72-78 Anerley Road; there are currently two, side-by-side phone boxes at this site. The surrounding area has mixed commercial and residential uses. Advertising in this location is primarily characterised by small-scale and low-level signage associated with ground floor businesses, some of which is illuminated. There is also a large digital display on the opposite side of the highway to the site. A short distance to the south-east of the site is the Belvedere Road Conservation Area. The impact of the proposal on the setting of this heritage asset should be assessed.
7. The proposed digital screens would be positioned on either side of a Street Hub and face towards those approaching from the north-west and the south-east. The display screens would be capable of showing changing static imagery.

Visual Amenity

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. Given their low-height and small scale, the proposed displays would be in keeping with the prevailing character of advertising in this area. Moreover, the proposal would be viewed in the same context as the large digital display on the opposite side of Anerley Road, which has established digital illumination as part of the character and appearance of the streetscene. While there would be some views of the proposal from within the Conservation Area, it would relate clearly to the surrounding commercial uses at this ground floor level and so would not appear overly prominent. The siting and small scale of the proposal would not detract from views into the Conservation Area, particularly as the existing large digital display dominates views from the north-west.
10. For the above reasons, the proposal would not harm the visual amenity of the area. The proposed advertisements would accord with the Local Plan, adopted January 2019, specifically Policy 102 which seeks to ensure advertisements have regard to the character of the surrounding area. The scheme would also accord with Policy 42 which seeks to ensure that development adjacent to a

conservation area preserves or enhances its setting and does not detract from views into or out of the area as well as Policy 37 which seeks to ensure proposals respect heritage assets.

Public Safety

11. The Officer's Report indicates the proposal would be inappropriate in this location, given that it would reduce the width of the pavement. However, the pavement in this immediate area is very wide and would be able to accommodate the display screens and their supporting structure whilst maintaining adequate room for pedestrians to pass on either side.
12. Given the above, the proposed advertisements would not result in harm to public safety. The proposal would accord with Policy 32 of the Local Plan, which seeks to ensure road safety is not adversely affected by development and Policy 102 which seeks to ensure that advertisements are not likely to create a hazard to road users.

Conditions

13. The five standard conditions as set out in the Regulations will apply.
14. To prevent the proposed advertisements from appearing overly distracting, I recommend conditions to require all displayed images to be static, that images shall not change more frequently than once every 10 seconds and that the transitions between images are almost instantaneous. I also recommend a condition to restrict the illumination of the display screens during night-time hours, which is necessary to prevent harmful levels of distraction and to protect the visual amenity of the area.
15. A condition relating to the use of an anti-social behavioural management plan has been suggested but has not been specifically requested at the appeal stage. This condition is related principally to the use of the Street Hub for telephone calls, rather than the advertisement displays. Therefore, recommending such a condition is not necessary for this appeal scheme.

Recommendation

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

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 allowed.

K Taylor

INSPECTOR