

Appeal Decision

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

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/G5180/Z/22/3291230

Footpath outside 24 London Road, Bromley, London

- 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 21/02638/ADV, dated 11 May 2021, was refused by notice dated 26th November 2021.
 - The advertisement proposed is two digital 75 inch LCD display screens, 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 Matter

3. The appeal documents indicate that a separate planning application was made to remove an existing nearby BT phone box and install a replacement BT Street Hub¹, 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.
4. I have included the site address from the appeal form as it provides a more precise description of the proposal's location along London Road.

Main Issue

5. 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.
6. The Council have not identified unacceptable harm against the visual amenity of the area, and I have no reason to disagree. Therefore, the main issue is the effect of the proposal on public safety.

¹ LPA Ref: 21/02585/FULL1

Reasons for the Recommendation

7. The appeal site relates to an area of pavement outside No 24 London Road, a busy highway with a considerable volume of traffic and pedestrians. The site is on the eastern side of London Road, close to its signal-controlled junction with Tweedy Road. The site is close to an area in which the road diverges into two lanes to accommodate southbound traffic heading in different directions at the junction. There is also an area of restricted parking adjacent to the appeal site. There is existing street furniture in the surrounding vicinity of the site, including bicycle racks, road signs, outdoor seating and A-boards associated with the nearby businesses.
8. The proposal is for two digital screens that would be positioned on either side of a Street Hub and face towards those approaching from the north and south. The screens would be capable of displaying changing static imagery.
9. The north-facing digital screen would attract the attention of oncoming drivers, particularly given that its imagery would change at frequent intervals. This would result in a potentially dangerous distraction in an area where drivers need to be alert to the likely movement of vehicles between lanes, the road signs and traffic lights at the oncoming junction. Furthermore, there would be vehicles manoeuvring into the parking area adjacent to the proposal and so the north-facing screen would result in an undue distraction and harm to the safety of road users. While similar roadside advertisements may be common, in this particular context, the proposal would be a potentially dangerous distraction in an area of considerable highway activity.
10. The proposed advertisements and their supporting structure would reduce the width of the pavement, however this would not be materially worse than the existing situation created by the phone box and bicycle racks. Concern has been raised that the use of the Street Hub requires a user to be stood at its side, in the way of a pedestrian's path. However, this concern relates to the use of the Street Hub and is a matter for consideration in a planning application, rather than the advertisement consent before me.
11. 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. Although the screens themselves could be used for public information, their overall design is not appropriate in this location and so would be contrary to this Policy. There would be additional conflict with Policy D8 which seeks to ensure the public-realm is well-designed and safe. Reference has been made to Policy HC1, however this relates to heritage assets and conservation and does not appear to be directly relevant to the appeal scheme.
12. Given the above, the proposed advertisements would result in harm to public safety. The proposal would conflict with The Local Plan, adopted January 2019, specifically Policy 102 which seeks to ensure that advertisements are not likely to create a hazard to road users. While the Council mentions conflict with Policy 37, it is not directly relevant to public safety and no harm is identified against this Policy. There would also be conflict with the National Planning Policy Framework which seeks to resist advertisements that are poorly sited and designed.

Other Matters

13. The proposal may result in visual amenity benefits for the area which would arise from its more compact and modern appearance in comparison to the existing phone box that it seeks to replace. However, these benefits would not outweigh the harm to public safety identified above.
14. My attention has been directed to two extracts from previous appeal decisions in which Planning Inspectors found similar schemes to be acceptable². These extracts relate to visual amenity, which is not a main consideration in this appeal. Nevertheless, in any event, I must consider each appeal with regard to its individual context. In this instance, the positioning of the screens would be overly distracting and harmful to public safety.
15. The appellant has outlined a variety of ways in which the advertisement displays can be utilised for public benefits, including the display of public health and community information, crime awareness and emergency messaging. Nevertheless, the benefits that would arise from these capabilities would not sufficiently mitigate the harm that would arise to public safety.
16. Concerns have been raised regarding the Council's communication and handling of consultation responses at the application stage. However, this matter does not relate to the merits of the appeal scheme. The appellant was given an opportunity to respond to consultation comments at the appeal stage.
17. There are numerous benefits associated with the Street Hub technology, such as improved internet coverage and access to communication technology. However, this appeal focuses on the proposed advertisement displays and so these benefits do not form a consideration in this report.

Recommendation

18. 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

19. 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

² Appeal Ref: APP/Z5630/H/3209488 and APP/N5660/W/18/3199793