



Appeal Decision

Site visit made on 28 September 2022

by L Hughes, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/N5090/Z/21/3287089

Footpath to the west side of Station Road (adjacent to St Margaret's Church), HA8 7HE 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 Ms Bella Noakes of British Telecommunications Plc against the decision of London Borough of Barnet.
 - The application Ref 21/4187/ADV, dated 8 July 2021, was refused by notice dated 21 September 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.

Preliminary Matters

2. The submitted evidence includes both the term 'InLink unit' and 'Street Hub' to describe the proposal, despite that the appellant's appeal statement also explains that the InLink product is no longer commercially available. These two names appear interchangeable, and therefore I do not consider that any interests will be compromised by retaining the original description in the header above, and I have assessed the scheme based on the proposed plans.

Main Issue

3. The main issue is the effect of the proposed advertisements on the visual amenity of the area, with particular regard to the effect on the setting of the adjacent listed buildings.

Reasons

4. The appeal site is within a wide pavement to Station Road, adjacent to the Grade II listed St Margaret's Church and its churchyard as well as the locally listed church hall. The churchyard includes a number of mature trees alongside well-tended grave plots and interpretation boards, and is a pleasant open space with only a very low boundary wall separating it from the pavement. Street tree planting on both sides of Station Road plays an important contribution to the public realm, and on the appeal side this has the effect of drawing the wide footway somewhat into the open space character of the graveyard. This effect is enhanced because there is very little street furniture along this stretch of the road. A bus shelter is largest in size but it is of minimalist design and predominantly glazed with only two small panels for advertisements or information, allowing for mostly uninterrupted views through it.

5. Station Road is within the Edgware Town Centre, with the churchyard frontage acting as a break in its strong commercial character. This open space contrasts with the opposite side of the road which comprises a long terrace with a range of retail and commercial uses at ground level and residential above. The Grade II listed Railway Hotel beyond that is prominent in the streetscene particularly due to its black and white colouring.
6. The proposal is to replace an existing phone box with a telecommunications unit hosting a digital advertisement on either side. While this would have a smaller footprint overall, it would result in a slightly wider structure, which would be entirely opaque and with the illuminated advertisements at relatively high level to either side. The new advertisements would be unduly obtrusive and prominent within the streetscene and in the context of the graveyard, particularly due to their illumination and compared with the minimal existing street furniture. In low light levels or at night they would be particularly prominent compared to the much darker churchyard backdrop. They would therefore cause harm to visual amenity.
7. There is a very similar black structure hosting digital advertisements close by towards the junction. However, this does not set a precedent for the proposal, but rather the addition of further illuminated advertisements would create a harmful cumulative impact in such close proximity. That structure is also within a different context, being closer to the junction with its strong commercial character and not directly adjacent to the open space of the churchyard.
8. I have considered the impact on the special architectural and historic interest of the adjacent listed buildings and their setting. I find that it would impact on a key attribute of St Margaret's Church, being the contemplative setting and relatively unobstructed views of its churchyard, with its associated church hall an integral element. I conclude the proposal would thus cause harm to its setting due to its proximity. However, the Railway Hotel is sufficiently far away and different in scale that the listed building would retain its prominence and its setting would be unaffected. The Edgware High Street Conservation Area is similarly too distant to be impacted.
9. The appellant provides example quotations from other appeals in support. These are not directly comparable in this instance as they do not reflect the specific visual and functional context of the appeal site and the positioning of the other street furniture. I also disagree with the suggestion of a improved visual appearance overall due to the reduced footprint and modern appearance compared to the existing phone box.
10. I have taken into account policies DM01 and DM06 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), the Barnet Design Guidance Note 1: Advertising and Signs (1993), and the London Plan (2021) policies D4, D5, D8 and HC1, 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 being sympathetic to heritage assets' significance and appreciation within their surroundings. Proposals should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Specifically, cumulative impacts of incremental change from development on heritage assets and their settings should be managed, with a well-designed public realm related to its context, and with unnecessary street furniture refused.

11. Given that I have concluded that the proposal would harm visual amenity overall, including on the setting of the adjacent listed building, the proposal conflicts with these policies.

Other Matters

12. 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 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. In addition, the National Planning Policy Framework (2021) paragraphs 202 and 203 relating to weighing harm to heritage assets against public benefit do not apply to the advertisement consent regime. I note that both parties agreed that public safety was not affected by the proposal.
13. The Council stated additional policies in its reason for refusal. While the proposal would comply with elements of the London Plan policies D4 and D5 relating to design, I find harm to visual amenity overall. The other policies cited are not directly relevant, as the Local Plan Policy DM18 relates to telecommunications, whereas my consideration focuses only on the advertisements and their supporting structure, and the London Plan Policy D1 relates to housing and preparing area assessments.

Conclusion

14. 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 therefore the appeal should be dismissed.

L Hughes

INSPECTOR