



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: 19th October 2022

Appeal Ref: APP/N5090/Z/21/3287088

O/S 98 Burnt Oak, Broadway, Edgware, London HA8 0BE

- 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 21/4186/ADV, dated 8 July 2021, was refused by notice dated 21 September 2021.
 - The advertisement proposed is for 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 address in the header above is different to that on the planning application form, but is as stated on the Decision Notice and appeal application form and also on the plans.

Main Issue

3. The main issue is the effect of the advertisement on public safety.

Reasons

4. The proposal is to replace an existing phone box with a telecommunications unit hosting an integral digital advertisement on either side. While the proposal 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. The unit would be sited on the pavement adjacent to the junction of the A5 Burnt Oak Broadway and Stockwell Close. The site plan shows this pavement as very wide, however, my site visit identified that a hoarding now extends over most of this to allow for construction of a multi-storey building behind, with only a narrow span of pavement remaining between the existing phone box and this hoarding.
5. The Council's reason for refusal refers to the proposal compromising works pursuant to an extant Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 (as amended). The Order is the "(Highway at/adjacent to 100/104A Burnt Oak Broadway and Stockwell Close Edgware) Stopping Up Order No.1 2020" and it reduces the original pavement width in relation to the site under construction. While the proposed street hub would be out with this area of stopped up highway, the development site does not appear close to completion.

6. Therefore, while I accept that the hoardings are a temporary measure, the pavement at present would be further narrowed by the advertisements to the extent that there would be a detrimental impact on ease of pedestrian movement, particularly people with mobility or visual disabilities. While there is some space to the other side closest to the highway, pedestrians would still need to navigate around existing street furniture in close proximity. I note the short summary of various industry and legislative guidance on acceptable minimum footway widths and find that the guidance to maintain sufficient unobstructed width for pedestrians supports my conclusion. To allow the appeal in this context would therefore harm public safety.
7. I have taken into account policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), which is material in this case because it seeks to ensure that the safety of all road users is taken into account when considering development proposals, including not unacceptably increasing conflicting movements on the road network or increasing the risk to vulnerable users. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with this policy.

Other Matters

8. Several electronic communications infrastructure benefits were suggested 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. I note that the Council considered that visual amenity was not affected by the proposal.
9. Example quotations from other appeals are also suggested in support, but they are not directly comparable as they relate to visual amenity and also do not reflect the specific positioning of the appeal site.

Conclusion

10. For the reasons given above I conclude that the display of the advertisements would be detrimental to the interests of public safety, and therefore the appeal should be dismissed.

L Hughes

INSPECTOR