



Appeal Decisions

Site visit made on 21 September 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal A Ref: APP/L5240/W/21/3286635

Pavement Outside McDonalds, 86 North End, Croydon CR0 1UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens of JCDecaux UK against the decision of London Borough of Croydon.
 - The application Ref 21/03196/FUL, dated 16 June 2021, was refused by notice dated 13 September 2021.
 - The development proposed is the replacement and upgrade of an existing telephone kiosk with a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator, occupying the same area of pavement as the existing telephone kiosk.
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Appeal B Ref: APP/L5240/H/21/3286637

Pavement Outside McDonalds, 86 North End, Croydon CR0 1UJ

- 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 Mr Martin Stephens of JCDecaux UK against the decision of London Borough of Croydon.
 - The application Ref 21/03197/ADV, dated 16 June 2021, was refused by notice dated 13 October 2021.
 - The development proposed is the replacement and upgrade of an existing telephone kiosk with a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator, occupying the same area of pavement as the existing telephone kiosk.
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Decision

1. Appeal A and B are dismissed.

Preliminary Matters

2. For clarification, Appeal A seeks permission for the 'hub' which is also the structure on which the advertisement would be displayed. Appeal B seeks permission for the advertisement.
3. The National Planning Policy Framework (2021) (Framework) states that advertisements should be subject to control only in the interests of amenity and public safety. Public safety includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air. I have considered Appeal B on this basis.

Main Issues

4. The main issues for Appeal A are:

- Whether the proposed development would preserve or enhance the character or appearance of the Central Croydon Conservation Area (CA).
- The effect of the proposed development on the public realm.
- The effect of the proposed development on the risk of crime.

5. The main issue for Appeal B is:

- The effect of the proposed development on amenity, with particular regard to whether it would preserve or enhance the character or appearance of the CA.

Reasons

Conservation Area – Appeal A and B

6. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. With regard to Appeal B, this remains relevant in so far as it relates to the consideration of amenity.
7. The CA derives its significance, as a whole, from its historic street layout and town centre use as well as its numerous listed and high quality buildings. The appeal site is located on the pedestrianised section of North End. Along North End, street furniture is grouped in clusters. The appeal site is at the end of one of these clusters. There is currently a phone kiosk on the appeal site.
8. North End is an important commercial street and this is evidenced by the shops and services on both sides. Whilst there is signage to shopfronts, advertisements in the pedestrianised area are limited, and internal illumination to these are rare. This ensures that signage and street furniture are not dominant and that the important characteristics of the CA including its historic use, traditional buildings and street layout remain prominent. The modest nature of the existing kiosk therefore preserves the significance of the CA in this regard.
9. There is a Local Designated View from North End of the Town Hall Clock Tower. The site is at the far end of North End. Due to the height of the buildings flanking the street in this location combined with the street trees, any views of the Town Hall Clock Tower are very limited.
10. The appeal schemes would include a large, illuminated screen. In the case of Appeal B, the images displayed would be advertisements. Whilst light levels would be reduced overnight, it would nevertheless be a bright item in the streetscene, particularly at night when the surroundings are dark. Its brightness, at the size proposed, would be an overly prominent feature in this area. It would therefore detract from the importance of the characteristics of the CA described above.

11. Furthermore, even though views of the Clock Tower are very limited in this location, the prominence of the illuminated sign would be unacceptably conspicuous and therefore harmful to the protected view. Consequently, the proposed illuminated panel would harm the character and appearance of the CA.

Appeal A

12. Appeal A would also introduce a communication hub unit in this location. Its height and width are similar to more traditional phone kiosks, although it would be lesser in depth. Its design is clearly recognisable as functional street furniture and for these reasons the structure would be a subservient feature within this commercial street in this respect. However, the lack of harm in this regard would not overcome the harm associated with the integrated display screen as set out above.

Appeal A and B - Summary

13. As such, Appeal A would result in notable harm to the character and appearance of the CA. Therefore, it would be contrary to Policies DM18 and SP4 of the Croydon Local Plan (2018) (CLP) and Policy HC1 of the London Plan (2021) (LP). Together, in summary, these require that development proposals shall seek to preserve or enhance Croydon's heritage assets.
14. Appeal B would have a harmful effect on amenity. I have taken into account Policies DM18 and SP4 of the CLP and Policy HC1 of the LP. In summary, these seek to protect amenity with regard to preserving or enhancing Croydon's heritage assets and so are material in this case. As I have concluded that the proposal would harm amenity, it conflicts with these policies.

Public Realm – Appeal A

15. The hub would be located within a cluster of street furniture. Its size and location would be very similar to the existing kiosk and therefore it would not create any additional obstruction to pedestrians. Whilst its illuminated panel would make it more prominent, I am not presented with evidence that it would be so distracting as to be harmful to pedestrians.
16. Therefore, the proposed development would have an acceptable effect on the public realm. As such, in this regard, it would be in accordance with Policy SP4 of the CLP, Policy D8 of the LP and the advice in the Croydon Public Realm Design Guide (2019) which, together, seek that public realm caters for its function for movement and as a place and is well designed, functional and accessible.

Risk of Crime – Appeal A

17. The Met Police identify that this area has a severe crime risk and they are concerned that a hub in this location could create a drug dealing hotspot. A management plan has been submitted which explains processes to help to reduce crime and antisocial behaviour, including that free calls to mobiles or landlines could be removed and numbers would be blocked that have reached a threshold for a number of calls in a day. The management plan sets out potential measures, but is not specific to this site.

18. The Met Police have specifically requested the ability to block frequent calls to the same number as well as the particular measures of removing the functionality for free calls, free wifi and charging of mobile devices. Also that the management plan must be followed. A site specific management plan securing these actions could be required by condition. Subject to these measures the proposed development would not harmfully increase the risk of crime.
19. Therefore, the proposed development would be in accordance with Paragraph 92 of the Framework which seeks safe places so that crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Planning Balance - Appeal A

20. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and I attribute considerable importance and weight to the harm I have identified.
21. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme. Taking into account the restrictions required in order that the unit would not harmfully increase the risk of crime, the hub would provide some free services to the public. These include a defibrillator, wifi and a rapid connection to emergency services, with the use of solar energy. These would provide a useful function to members of the public and as such are a benefit of this development. However, such services are already provided in other ways, albeit they may not be free. Therefore, the public benefits of the proposed development are modest. Accordingly, taking all the above into account, the modest public benefits would not outweigh the notable harm to the CA.

Other Matters

Appeal B

22. The advertisement could be used to promote Council initiatives, public celebrations, to facilitate wayfinding or to promote Croydon Borough retailers. However, I am not provided with any mechanism to secure that such public messages would be displayed. Furthermore, I do not have detailed evidence that the existence of this advertising would encourage people to use this retail area. Consequently, any contribution to the vitality of the retail area is limited. As such any public benefits are very minor. Therefore, taking into account the desirability of the preservation of the CA, this does not outweigh the harm to amenity described above.

Conclusion

23. For the reasons given above, Appeal A and B would not accord with the development plan and there are no other considerations to indicate that Appeal A or B should be determined otherwise. Therefore, for the reasons given above, I conclude that Appeal A and B should both be dismissed.

H Miles

INSPECTOR