



Appeal Decision

Site visit made on 28 September 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/N5090/D/22/3296141

Outside 66 East Barnet Road, Barnet, EN4 8RQ

- 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 Telecommunication PLC against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1143/ADV, dated 22 February 2021, was refused by notice dated 4 February 2022.
 - The development proposed is two digital 75 inch LCD display screens, one on each side of the 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 on each side of the InLink unit on land outside 66 East Barnet Road, Barnet, EN4 8RQ in accordance with the terms of the application, Ref 21/5625/RCU, dated 22 October 2021. 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.

Preliminary matters

2. I have noted that at the same site in 2019 permission was granted under ref 19/2310/FUL for the removal of an existing BT payphone and installation of an InLink structure and under 19/2311/ADV consent was given for two internally illuminated digital LED screens, one on each side of the InLink unit. Following that and prior to the current proposal, in 2021 permission was refused for amendments to permission ref 19/2310/FUL which the Council considered to be a material change.
3. I have therefore considered this appeal on the basis of the advertisements only and not the InLink unit itself which would require a separate application for planning permission.
4. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have referred to some of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Reasons

5. The main issue in this appeal is, therefore, the effect of the proposed advertisements on amenity. The Advertisement Regulations state that factors relevant to amenity include the general characteristics of the locality. The National Planning Policy Framework (the Framework) says that the quality and character of places can suffer when advertisements are poorly sited and designed and that account should be taken of cumulative impacts.
6. The proposal is for two, internally illuminated advertisements which would be sited on each side of an InLink unit, a digital hub designed to replace old BT payphones and provide communities with free digital services.
7. The unit would be sited on the public footway outside a large Sainsbury's store on the East Barnet Road. The Council says that the site lies outside a town centre and has a less intensive street activity and limited external lighting, advertisement and street furniture. However, at my visit I noted that the site lies within a long stretch of the road between its junctions with Margaret Road and Victoria Road which has continuous commercial activity along both sides. It has a high level of street activity with a high level of traffic in both directions and many pedestrians. There are illuminated signs at a petrol station, a bus stop and at various fast food outlets within the street. I disagree with the Council that the street is open and uncluttered as there is street lighting, lighting on the car park at a higher level above Sainsburys, highway signs, projecting illuminated adverts, bollards, cycle parking, a bench, a litter bin, a bus stop and street trees all within the immediate vicinity on this side of the street. The proposed advertisements would be seen within this context and against the backdrop of the large signage which occupies a significant length of the frontage of Sainsburys.
8. Although the area of each advertisement would be some 92% greater than under the previously approved scheme, their scale would remain modest. Given the generous width of the footway at this point, the advertisements would not lead to an unacceptable increase in street clutter and given the busy commercial character of the site's surroundings would not appear unduly dominant in the street scene.
9. I conclude then that the proposed advertisements would be acceptable in regard to amenity. The proposal would therefore accord with the Framework and with development plan policies DM01 and DM18 in Barnet's Local Plan (Development Management Policies) Development Plan Document (2012), the Barnet Design Guidance Note 1: Advertising and Signs which together seek to ensure high standards of urban design and that advertisements relate to their surroundings and avoid visual clutter.

Conclusion and conditions

10. For the reasons given above, I conclude that the proposal accords with the development plan and there are no material considerations that would outweigh this. The five standard conditions in the Advertisement Regulations are necessary and adequate for this proposal. The appeal should be allowed.

Sarah Colebourne

Inspector