



Appeal Decision

Site visit made on 27 October 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/G2625/H/22/3293200

Footpath on Sprowston Road, Norwich NR3 4JA

- 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 (British Telecom PLC) against the decision of Norwich City Council.
 - The application Ref 21/01611/A, dated 21 October 2021, was refused by notice dated 24 December 2021.
 - The advertisement proposed is described as the "Two digital 75 inch LCD display screen, one on each side of the amended InLink unit".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal documents indicate that a separate planning application was made to remove an existing BT phone box and erect a replacement BT Street Hub unit¹, 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.

Main Issues

3. 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, considering the provisions of the development plan, so far as they are material, and any other relevant factors.
4. Therefore, the main issue is the effect of the proposal on the visual amenity of the area, and its effect on pedestrian safety.

Reasons

Visual Amenity

5. The appeal site forms part of a pavement that is located within a pleasant suburban area and is surrounded by a mixture of residential, commercial and retail uses. A small post office and newsagents is close to the appeal site and commercial buildings, which themselves contain standard fascia signs, are in the area. I also note that there are several vertical structures such as traffic signs, telegraph poles and lampposts along the street, and an existing phone

¹ 21/01614/F

pox and pillar box to the north of the appeal site. The post office also has a totem style advert to the front and projecting fascia signs.

6. The proposal seeks to erect the Street Hub structure within the centre of the pavement, which would contain an LCD screen either side for the proposed advertisements. Within the context of the appeal site, the Street Hub would be seen as a visually dominant feature on this side of the Sprowston Road that is mainly residential. The scale, orientation, and dynamic nature of the digital advertisement panels, capable of displaying several images over time, would draw further attention to the Street Hub resulting in excessive visual clutter of signage within the public realm at this location. As such, even considering the commercial surroundings, the Street Hub and its digital displays would be an obtrusive addition to the streetscape at this particular location.
7. Furthermore, notwithstanding the proposed location of the installation close to an existing local post office, the advertisements would be rather garish and out of place, being set against the backdrop of predominantly residential properties close by. The proposal would therefore result in harm to the visual amenities of the area.
8. I have taken into account Policy DM3 of the Norwich City Council development management policies local plan 2014 (the LP) and paragraph 136 of the National Planning Policy Framework (the Framework) which are material in this case. This is because they collectively seek, amongst other things, to ensure that developments should respect, enhance, and respond to the character and local distinctiveness of the area, having regard to the character of the surrounding neighbourhood and the elements contributing to its overall sense of place. Given that I have concluded that the advertisements would harm amenity, the proposal conflicts with these policies.

Pedestrian Safety

9. The proposed Street Hub would be positioned centrally within the pavement, so that 0.6m of space would remain between it and the edge of the kerb. On the other side of the unit, it is proposed to leave some 2.5m of space where pedestrians can navigate around the structure.
10. The Council confirm that although the pavement appears quite wide at this point on Sprowston Road, it contains an area of private land which is currently paved and allows pedestrians to walk across it. However, as this land is within private ownership, and I have not been provided with any evidence that the appellant has any control over it, there is no guarantee that this particular part of the street would remain open for pedestrians to navigate around the proposed Street Hub.
11. In addition, the kerb side of the Street Hub would have a gap of some 0.6m and given the proximity of the Post Office, it is a busy part of the street and cars park on the road, some of which would be close to the site. When car doors are open, the kerb side route around the structure would effectively be blocked. Moreover, even if car doors are not open, those with low mobility or those with small children are unlikely to find the kerb side route around the structure palatable because of the narrowness of the gap.
12. Furthermore, at the time of my visit, the privately owned land had detritus strewn across it, effectively rendering it unpassable for wheelchair users and

those with children in pushchairs. Thus, I am concerned that the Street Hub could hinder the free flow of pedestrian and given the structure's positioning, pedestrians would have to squeeze past one another, or take refuge behind it whilst others pass. I am not satisfied that this would be an acceptable solution for able bodied users of the pavement, and certainly not one that those with low mobility or those pushing children should have to countenance.

13. Thus, the proposal would result in a reduction in width of the pavement and would cause an unacceptable and increased conflict between pedestrians when passing one another. This would be particularly evident for users with low mobility, those in wheelchairs, and people with pushchairs for example and would be exacerbated during periods when car doors would be open, thereby further reducing the available footpath width.
14. I have taken into account Policy DM30 of the LP and paragraph 111 of the Framework, which are material in this case. This is because they collectively seek, amongst other things, to ensure that developments provide adequate clearance around a structure for the safe passage of pedestrians. Given that I have concluded that the development would harm pedestrian safety, the proposal conflicts with these policies.

Other Matters

15. I acknowledge that the proposal is slimmer and would have a smaller footprint than the existing phone box. However, given its 40m distance from the appeal site, and the fact that it is also set hard against the wall behind the structure and does not contain any LCD screens containing advertisements, I am not persuaded that the existence or positioning of the phone box is justification for the proposed installation.
16. Although I have been directed to the Department for Transport Manual for Streets (2007), I have very little evidence to demonstrate that the street around the proposal is lightly used. Moreover, the widths suggested by the appellant fail to take account of the part of the pavement that is in private ownership and does not form part of the public highway.
17. The appellant also refers to two appeal decisions². However, I have not been provided with full details of the appeals and the context in which they were deemed acceptable in order to make a direct comparison to the proposal before me. In any event, I have considered this appeal on its own merits which is a fundamental principal that underpins the planning system.
18. There are a number of associated benefits related to the Street Hub functions, such as improved internet coverage and access to communication technology. However, as outlined in my preliminary matter, this appeal is focused solely on the proposed advertisement and therefore these benefits do not form part of the consideration in this appeal.

Conclusion

19. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Graham Wyatt INSPECTOR

² APP/Z5630/H/3209488 and APP/N5650/W/18/3199793