



Appeal Decisions

Site visit made on 11 October 2022

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2022

Appeal A- Ref: APP/X5210/W/22/3291836

St Giles High Street, Holborn and Covent Garden, London WC2H 8JL

- 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 (JCDecaux) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/2114/P, dated 30 April 2021, was refused by notice dated 21 December 2021.
 - The development proposed is to replace the current enclosed telephone kiosk with an open access communication hub.
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Appeal B- Ref: APP/X5210/W/22/3291840

St Giles High Street, Holborn and Covent Garden, London WC2H 8JL

- 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 (JCDecaux) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/3147/A, dated 30 April 2021, was refused by notice dated 21 December 2021.
 - The advertisement proposed is to replace the current enclosed telephone kiosk with an open access communication hub.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. For conciseness, I have abbreviated the descriptions of development in the headings above.
4. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision.
5. Both appeals concern the same proposal for a kiosk. Appeal A seeks planning permission for the kiosk itself, whereas Appeal B seeks advertisement consent for the advertising display which would be attached to the kiosk.
6. Since the applications were determined by the Council, the original telephone kiosk on the site has been replaced with another kiosk. There is some dispute between the parties as to whether the replacement kiosk is lawful or not.

While this is noted, I find the evidence to be inconclusive and it is not a matter which I am able to resolve in the current appeals. I have based my assessment of the proposal on the appearance of the pavement at the time of my visit, by which time the replacement kiosk had already been installed. I have therefore treated the replacement kiosk as an existing structure without raising the issue of whether it is lawful or not. This is without prejudice to any future decision that might be made regarding the lawfulness of the replacement kiosk.

Main Issues

7. The main issues in Appeal A are:

- the effect on the proposal on the character and appearance of the area, including the setting of nearby Conservation Areas.
- the effect of the proposal on highway and pedestrian safety.
- the effect of the proposal on crime.

The main issues in Appeal B are:

- the effect of the proposal on visual amenity.
- the effect of the proposal on public safety.

Reasons

Appeal A

Character and appearance

8. This part of St Giles High Street is dominated by shops, offices and restaurants and is an especially busy area for traffic and pedestrians. While the pavement is relatively wide here, it contains various items of street furniture which give it a somewhat cluttered appearance. Together with rows of trees, there is also an existing telephone kiosk, a drinking water fountain, lamp posts, a bus stop, street cabinets, a digital advertising board, a bike hire parking area and a large container which I understand to be for waste storage.
9. Buildings in the area are of a mixed appearance. The site is near the Denmark and Seven Dials Conservation Areas where there are older style buildings of particularly high architectural merit. However, the new kiosk would be situated in a more contemporary part of St Giles High Street, being outside a retail unit with large, plate glass windows. On the opposite side of the road there is a high rise building with extensive glazing, the ground floor of which is mainly occupied by restaurants. Due to the level of commercial activity in this area and the relatively small size of the proposed kiosk in relation to much larger buildings, the proposal would not harm the setting of any heritage assets. Hence, there would be no conflict with Policy D2 of the Local Plan¹, which aims to protect the qualities of listed buildings and Conservation Areas.
10. Although the proposed kiosk would not interfere with the way in which the surrounding buildings are viewed, it would nonetheless be a prominent feature on this part of the pavement, appearing as a large flat panel which would be positioned to directly face pedestrians. With digital advertising on one side and a functional, metallic facade on the other, it would not be a particularly

¹ Camden Local Plan 2017

attractive addition to the pavement. I recognise that the existing kiosk also has digital advertising on one side and a partially solid appearance. But while the new kiosk would be slimmer and would occupy a smaller footprint, its angular profile and metallic facade would draw attention, making it appear a good deal more conspicuous than the kiosk it would replace.

11. The proposed kiosk would also be positioned further towards the centre of the pavement than the existing kiosk. Although the difference is slight, this would only serve to make the new kiosk more noticeable as it would edge further into an otherwise open area of pavement where it would be in the line of sight of pedestrians. This adds further weight to my findings that the new kiosk would represent a prominent and somewhat discordant feature on an already cluttered part of the pavement.
12. When I visited the site, I saw that much of the street furniture in the area had been sprayed with graffiti and, in some cases, covered in stickers. Indeed, the Police indicate that street crime is prevalent in this area and that kiosks are a focal point for anti-social behaviour. It therefore seems likely that the proposed kiosk would become a target for vandals, in which case it would become particularly unsightly. Although I have no reason to doubt the appellant's commitment to cleaning and maintaining the new kiosk, the draft legal agreement remains unsigned. However, even if a suitable mechanism were in place to ensure that the kiosk was kept in good condition, this would not be sufficient to overcome my concerns regarding the negative effect of the kiosk on the local street scene.
13. While I recognise the need to update telecoms infrastructure, the Local Plan emphasises the need to uphold high standards of design. In this case, I am mindful that the proposed kiosk would become a permanent feature in an especially busy part of St Giles High Street where it would be widely viewed. In recognition of this, the design and siting of the kiosk requires an appropriately high degree of scrutiny.
14. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policies G1, A1 and D1 of the Local Plan, which aim to protect public amenity and uphold high standards of design.

Highway and pedestrian safety

15. Although the proposed kiosk would obstruct some lines of sight along the pavement, it would not have a substantially different effect on pedestrian movement than the existing kiosk would. The proposed kiosk would have a smaller footprint, and while it would be visually impermeable, this is largely the case with the existing kiosk. Furthermore, the pavement is relatively wide at this point and, in practice, pedestrians can see adequately in either direction with plenty of room to pass. The proposed kiosk would be far enough away from pedestrian crossings to avoid blocking the views of drivers or otherwise conflicting with people crossing the road.
16. I conclude on this issue that the proposal would have an acceptable effect on highway and pedestrian safety. There would be no conflict with Policy T1 of the Local Plan which, amongst other things, aims to promote walking. Nor would there be any conflict with Policy C6 which promotes accessible development.

Crime

17. I understand that there are reports of street crime in the area and that kiosks are associated with anti-social behaviour. Yet although people could loiter around the new kiosk or hide behind it, the existing kiosk provides similar opportunities for concealment. While the new kiosk would not be enclosed, the existing kiosk also lacks doors and so people using it are partially stood on the open pavement. Hence it seems unlikely that the proposal would increase opportunities for bag snatching or other crime over and above the existing situation. I therefore conclude on this issue that the proposal would have an acceptable effect on crime. There would be no conflict with Policy C5 of the Local Plan which promotes safer streets and public areas.

Other matters

18. Apart from a public telephone, the proposed new kiosk would incorporate other features including device charging, public Wi-Fi and a defibrillator. However, relatively little information has been provided to indicate the need for such facilities in this specific location. In the absence of such evidence, I am unable to determine that these benefits would clearly outweigh the harm to character and appearance that I have identified above.
19. I have been referred to planning appeals for kiosks in other locations. Although I appreciate that there are some similarities between those appeals and the current case in terms of kiosk design, there are material differences between the characteristics of each individual site and proposal. As such, these appeals do not establish a convincing precedent for the current case.

Appeal B

Visual amenity

20. Although the Council has quoted various development plan policies in its reasons for refusal in Appeal B, the Regulations² limit my considerations to issues of public safety and amenity. Nonetheless, it seems to me that many of the planning concerns which were relevant in Appeal A (for the kiosk) are equally relevant in Appeal B (for the advertising).
21. The proposed advertising display would be broadly compatible with the commercial nature of street frontage in this location and the illuminated shop and restaurant frontages. Yet while I recognise that there is digital advertising on the existing kiosk, the placement of the proposed display would make it unduly prominent for the reasons given in Appeal A. I therefore conclude on this issue that the proposal would harm visual amenity.

Public Safety

22. The proposed advertising display would be visible to drivers approaching nearby pedestrian crossings. However, I do not consider that it would compromise safety. There is already a prevalence of shopfront advertising and illuminated signage here and so drivers and pedestrians are unlikely to pay undue attention to another advertising display. I therefore conclude that the proposal would have an acceptable effect on public safety.

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Conclusion

Appeal A

23. The proposal would have an acceptable effect on highway safety and crime. However, this does not outweigh the harm to character and appearance that has been identified. The appeal is therefore dismissed.

Appeal B

24. The proposal would be acceptable in terms of public safety but this does not outweigh the harmful effect it would have on visual amenity. The appeal is therefore dismissed.

C Cresswell

INSPECTOR