



Appeal Decisions

Site visit made on 31 October 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2022

Appeal A Ref: APP/L5240/W/21/3286640

O/S 111-115 South End, Croydon CR0 1BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Martin Stephens of JCDecaux UK against the Council of the London Borough of Croydon.
 - The application Ref 21/03198/FUL, is dated 16 June 2021.
 - The development proposed is a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator, occupying the same area of pavement as the existing telephone kiosk.
-

Appeal B Ref: APP/L5240/H/21/3286642

O/S 111-115 South End, Croydon CR0 1BJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Martin Stephens of JCDecaux UK against the Council of the London Borough of Croydon.
 - The application Ref 21/03199/ADV is dated 16 June 2021.
 - The advertisement proposed is an 86 inch LCD screen capable of showing illuminated static displays in sequence.
-

Appeal A: Decision

1. The appeal is dismissed and planning permission is refused.

Appeal B: Decision

2. The appeal is dismissed and advertisement consent is refused.

Preliminary Matters

3. I have made a minor amendment to the addresses of both appeals to improve accuracy; I have also made a minor change to the description of the proposed development for Appeal A to remove superfluous words, in the banner heading above.
4. As set out above there are two appeals on this site. One concerns a hub unit upon which, amongst other things, an advertisement would be displayed. The other concerns the express consent to display the advertisement. I have considered each proposal on its individual merits and with regard to relevant

legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

5. Appeal A: The main issue is the effect of the proposed development on the character and appearance of the area.
6. Appeal B: The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

7. The appeal site is located within a broad area of public realm on the eastern side of South End. The public realm contains various items of street furniture, including an existing telephone kiosk, some seats, a lamppost, a litter bin, two bicycle stands and several small traffic signs.
8. The public realm containing the appeal site is located between Ledbury Road and Selsdon Road and opposite Warham Road; there are controlled pedestrian crossings of South End to the north and south of the appeal site. This area is characteristic of a local centre, with shops and similar High Street uses to be found along the eastern and western sides of South End and Selsdon Road in the vicinity of the appeal site.
9. The appeal site is said to be within a designated Local Heritage Area named *South End with Ye Market*. To the south of the appeal site is the imposing former Swan and Sugar Loaf Hotel building, which is of a significantly greater scale and massing than the other buildings in this vicinity. However, no details are provided by the Council regarding the extent or characteristics of the Local Heritage Area; the appellant does not make any reference to it in their grounds for appeal.
10. Whilst it is not, therefore, possible for me to consider the effects of the proposals on this non-designated heritage asset¹, I have considered the effects with regard to the character and appearance, and to the visual amenity, of the area.
11. The proposals would entail the replacement of the existing telephone kiosk, upon which no advertisements were displayed when I visited the site, with a digital hub that would include a digital advertisement display.
12. The proposed hub would be positioned so that the proposed advertisement would face in a north-westerly direction, towards oncoming pedestrian and vehicular traffic on South End. The southern side of the hub would face towards the seats in the public realm and would contain a telephone beneath a small canopy and a defibrillator.
13. For Appeal A, whilst the proposed digital hub would be similar in height and width to the existing kiosk it would replace, and would occupy a smaller area of land, its design would give it a much more solid appearance than the existing, largely glazed kiosk. Together with its prominent position in the public realm, this would make it a visually intrusive feature in views along South End and Selsdon Road.

¹ Glossary of the National Planning Policy Framework (2021) (the Framework)

14. Whilst the existing kiosk does not make a positive contribution to the streetscene of this area, the design and position of the proposed development means it would be significantly more obtrusive, in what is a busy area for pedestrians and vehicles.
15. For Appeal B, the proposed digital advertisement display would be a new feature within the streetscene, and its size, illumination and position would make it a visually prominent and incongruous feature in views from the north, including towards the prominent former Swan and Sugar Loaf Hotel.

Appeal A

16. For these reasons the proposed development would adversely affect the character and appearance of the area. Consequently, it would conflict with Policies DM10 (design and character) and SP4 (urban design and local character) of the Croydon Local Plan 2018 (CLP), with Policy D3 (Optimising site capacity through the design-led approach) of the Spatial Development Strategy for Greater London 2021 (LP) and with the Framework.

Appeal B

17. For these reasons the proposed advertisement would detract from visual amenity. I have taken into account Policies DM10 and SP4 of the CLP, and Policy D3 of the LP, which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal would also conflict with these policies, and with the Framework.

Other Matters

18. For Appeal A, I note the benefits of the proposed development, including in terms of communications and the provision of a defibrillator as well as the stated sustainability benefits. However, the benefits of the proposed development would not outweigh the harm that I have identified, with regard to the character and appearance of the area.

Conclusion

19. For the reasons given above, and taking into account all matters raised, I conclude that Appeal A is dismissed and planning permission is refused, and that Appeal B is dismissed and advertisement consent is refused.

Andrew Parkin

INSPECTOR