



Appeal Decision

Site visit made on 11 October 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/N5090/Z/21/3287183

Footpath to the north side of Church Road (adjacent to Ferrydale Lodge), London

- 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 London Borough of Barnet.
 - The application Ref 21/4185/ADV, dated 8 July 2021, was refused by notice dated 21 September 2021.
 - The advertisement proposed is 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.

Procedural Matters

2. The images showing the positioning of the proposed InLink structure provided within the existing and proposed views drawing (Reference BAR-207) does not match the positioning as shown on the Location Plan and Proposed Site Plan Revision A. I note that the Council has based its decision on these two plans despite the discrepancy. However, there is evidence contained within the appellant's Appeal Statement which confirms that the positioning of the unit is as shown on the Location Plan and Proposed Site Plan Revision A. I have therefore based my decision on this basis as opposed to the incorrect images shown on the existing and proposed views drawing (Reference BAR-207).
3. A previous application for the removal of an existing BT payphone and installation of 1 no. new InLink structure was refused by the Council under reference 21/3930/FUL. Whilst it is noted that a separate appeal will be made in respect of that application, I have determined this appeal on the basis that it relates to Two digital 75 inch LCD display screen, one on each side of the amended InLink unit only at the location of this appeal site.

Main Issues

4. The main issues are:
 - The effect of the proposed advertisement on visual amenity.
 - The effect of the proposed advertisement on public safety.

Reasons

Visual amenity

5. The appeal site is located just beyond the disabled access ramp in front of Ferrydale Lodge along Church Road, Hendon. The surrounding area is characterised by a mixture of uses, including residential and commercial uses.
6. The proposed advertisement would be positioned in a prominent location being readily visible from a number of public viewpoints. Whilst there are a number of lamp posts, traffic lights/signs, benches, bins, cycle stands, and other paraphernalia located along Church Road, this particular part of Church Road comprises a relatively clear area of pavement being largely free from any other street furniture.
7. The proposed advertisement would introduce Two digital 75 inch LCD display screen, one on each side of the amended InLink unit which would appear as a visually obtrusive feature by reason of its size, siting and design which would be at odds with the local character of this particular part of Church Road as referred to above.
8. From my site visit, a greater amount of street furniture including similar InLink structures were evident along nearby surrounding streets. Given the presence of other street furniture along Church Road and other similar structures nearby, the proposed advertisement would remove a pleasing visual relief from nearby more cluttered areas whilst contributing to the unnecessary proliferation of street furniture within this area which would result in an unacceptable increase in clutter to the street scene.
9. I appreciate the appellant's statement that as part of a wider scheme of BT Street Hub implementation throughout the UK it is proposed to install such units either as a direct replacement for existing payphones, or in very close proximity to such payphones in order to minimise impact on the existing street scene and reducing street clutter. Whilst a previous application was made to remove an existing BT payphone and installation of 1 no. new InLink structure, this application was refused and, in any event, the removal of the BT payphone would not outweigh the harm identified having regard to visual relief and unnecessary proliferation of street furniture.
10. For the above reasons, I conclude on this issue that the proposed advertisement would harm the visual amenity of the area. I have taken into account Policy DM01 of the Development Management Policies Development Plan Document (DPD) and the Barnet Design Guidance Note which together, amongst other things, seek to preserve or enhance local character and respect the appearance, scale, mass, height of surrounding buildings, spaces and streets as well as requiring adverts to be located to avoid visual clutter. Given I have concluded that the proposal would harm visual amenity, the proposal would conflict with this Policy and Guidance Note.

Public safety

11. The footpath serving the site widens in the selected location and there would be a sufficient width of footpath remaining for pedestrians to use including those with disabilities and visual impairments. However, given the proposed siting just beyond the existing disabled access ramp which provides access to Ferrydale Lodge, the proposed development would cause lines of sight/obstruction on approaches from Finchley Lane and Parson Street. As a result, this would cause confusion and could lead to unsafe movements of

pedestrians who may need to use this facility whilst trying to navigate an alternative route into the building.

12. For the above reasons, I conclude on this issue that the proposed advertisement would adversely affect the public safety of pedestrians who may need to use the disabled access ramp. I have taken into account Policy CS9 of Barnet's Local Plan Core Strategy and DM17 of the Barnet Development Management Policies DPD which together, amongst other things, seek to provide for safe, efficient and effective travel ensuring that the safety of all road users is taken into account when considering development proposals. Given I have concluded that the proposal would harm public safety, the proposal would conflict with this Policy.

Other Matters

13. My attention has been drawn to a number of previous planning permissions including appeals for other similar units. However, there are material differences in comparison to the current appeal proposals including amongst other things, location and siting, and are therefore not directly comparable. In any event, regulations to control advertisements may be exercised only in the interests of amenity and public safety taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors.
14. I have also been provided with a list of public benefits of the InLink structure such as, access to public services, WiFi, free phone calls to 999, USB ports etc which I appreciate. However, as the appeal proposals relate to advertisement consent only, the regulations require that I exercise my powers only with regard to amenity and public safety.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR