



Appeal Decision

Site visit made on 27 October 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/N5090/Z/21/3287005

Footpath at Ballards Lane, Popes Drive, London N3 1RL

- 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 of British Telecommunications Plc against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1140/ADV, dated 22 February 2021, was refused by notice dated 22 September 2021.
 - The advertisement proposed is Two digital 75 inch LCD display screen, one on each side of the InLink Unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted evidence includes both the term 'InLink unit' and 'Street Hub' to describe the appeal proposal. The appellant's appeal statement also explains that the InLink product is no longer available. These two names appear interchangeable, and therefore I do not consider that any interests will be compromised by retaining the original description in the header above, and I have assessed the scheme based on the proposed plans.
3. The appellant's statement indicates the proposal is seeking to amend an extant consent¹. However, the application before me is not for an amendment and is its own advertisement application and I have considered it as such for the purposes of this appeal.
4. The Officer's Report identifies that separate planning decisions were made in relation to removing the existing infrastructure and erect a Street Hub unit. 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.
5. The Council's evidence notes there are conflicting dimensions given for the Street Hub. For the purposes of this Decision, I have taken those on the dimensions drawing to be correct, as only partial dimensions are shown on the proposed site plan provided.
6. Reference is made in the Council's Officer report to the 'emerging' Draft Local Plan, and specifically to Policy CDH03. No evidence has been provided in respect of the outcome of any progression of the Draft Local Plan or its

¹ Ref: 18/4258/ADV

subsequent adoption. The weight that I give to these policies is therefore limited as a consequence.

Main Issues

7. 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, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
8. The main issues are:
 - The effect of the proposed advertisements on the visual amenity of the area and on nearby non-designated heritage assets, namely No's 18 and 48 Ballards Lane; and
 - The effect of the proposed advertisements on public safety.

Reasons

Visual Amenity

9. The appeal site relates to an existing phone kiosk on an area of pavement on Ballards Lane close to the junction of Popes Drive, a busy highway with a considerable volume of traffic and pedestrians. The surrounding area is commercial in nature, largely comprised of ground floor-level businesses.
10. The appeal site is close to a bus stop and shelter, which incorporates advertisements on one end. There are also street trees and other pieces of street furniture on the pavement on this section of the road, including traffic lights, phone boxes, litter bins, and cycle stands. I also observed a 2-sided advertisement unit located on the same section of pavement, but it is not readily visible from the appeal site. Other advertisements found in the immediate area are small scale forming part of the commercial frontages.
11. The proposal is to replace the existing phone kiosk, which has a non-digital advertisement on one side, with a Street Hub unit, which hosts a digital advertisement on either side. The existing phone kiosk is a modest structure that is an unobtrusive feature within the street. By virtue of its size and colour, it has a relatively recessive appearance, particularly in views along the footway with other street furniture.
12. In contrast, the proposed Street Hub would appear both wider and taller than the existing phone kiosk and would contain large, illuminated screens on either side, which are intended to accommodate advertisements. The Street Hubs, colour, height, width, and luminance would result in a far more prominent and imposing feature than at present. In this regard, it would dominate views along the pavement and would create a large discordant feature that would draw the eye. Whilst it would have a relatively similar slimline shape, to the existing phone box, this would not significantly mitigate its visual impact.
13. Both No's 18 and 48 Ballards Lane are 3-storey buildings occupying prominent corner plots and draw their significance from their traditional appearance and fine detailing. Given the distances to No's 18 and 48 from the appeal site and the size of the appeal advertisements proposed, they would be located a sufficient distance to prevent harm to the setting or features of historic or

architectural interest of these non-designated heritage assets in considering the impact on visual amenity.

14. The appellant highlights considerable weight should be attributed to the appeal scheme as there is extant permission for a very similar proposal. However, the appellant's own evidence also states that the unit type which previously gained consent is no longer available and was also smaller in size than the advertisements proposed. I, therefore, give this fallback position very little weight and have based my decision on the current circumstances of the streetscene and its character.
15. For the above reasons, I conclude that the advertisements would significantly harm the visual amenity of the area. They would therefore be contrary to Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMP) and Barnet Design Guidance Note 1: Advertising and Signs. There would also be conflict with the National Planning Policy Framework (the framework), which seeks to resist proposals where advertisements are poorly sited.
16. Policy DM18 of the DMP relates to Telecommunications development. As this appeal is for an advertisement, I find no conflict with Policy DM18.

Public Safety

17. The Officer's Report indicates the proposal would be inappropriate in this location, given that it would create undue clutter and the failure to remove existing phone kiosks fails to improve public safety. However, the pavement in this immediate area is sufficiently wide enough to accommodate the display screens, as adequate room for pedestrians to pass on either side would remain following the removal of the existing phone kiosk.
18. The existing telephone kiosks referenced in the Officer's Report, which are not to be removed, are located further along Ballards Lane and the Council argues this raises matters of public safety. Whilst I acknowledge these existing kiosks are in need of some maintenance, they still appeared to be in use. There is limited evidence before me and from my observations that there is a risk to public safety from the kiosks not being removed, given the distance from the appeal site and the size and positioning of the proposed advertisement.
19. Given the above, the proposed advertisements would not result in harm to public safety. The proposal would accord with the guidance contained in Barnet's Design Guidance Note 1 Advertising and Signs. It would also accord with Policy D8 of The London Plan, Policy CS12 of Barnet's Local Plan Core Strategy 2012, emerging Policy CDH03 of the Barnet Draft Local Plan and The North Finchley Town Centre Framework Supplementary Planning Document. These seek, amongst other things, to incorporate design principles which contribute to community safety and security in all new development, avoid confusion or danger to road users and relate to the local context. There would also be no conflict with the Framework, which seeks to resist proposals where advertisements are poorly sited.

Other Matters

20. The appellant presents several upgraded electronic communications infrastructure benefits in support, including free wi-fi and charging, and display of community messaging. However, this appeal is only for the advertisements,

and not for the host unit. The Regulations state that advertisements should be subject to control only in the interests of amenity and public safety. Alongside the Framework and the Planning Practice Guidance, there is no indication that any of these suggested benefits can be taken into account and so I have not considered them within my decision.

21. The Street Hub would be powered by renewable energy, would be regularly cleaned and inspected. However, this is neutral in my judgement as the hub would not add further to the appellant's carbon footprint and a cleaning regime would be expected for an installation such as this.

Conclusion

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

A Hickey

INSPECTOR