



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/21/3287174

O/s 612 - 614 Finchley Road, London, NW11 7RX

- 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 Telecom Plc against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/4182/ADV, dated 8 July 2021, was refused by notice dated 21 September 2021.
 - The advertisement proposed is Two digital 75 inch LCD display screens, one on each side of the amended InLink unit.
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Decision

1. The appeal is allowed and express consent is granted for the display of two digital 75 inch LCD display screens, one on each side of the amended InLink unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. I have taken the address from the Council's decision notice as it is more accurate and concise than the address on the application form.
3. 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.
4. The Officer's Report identifies¹ that a separate planning decision was made in relation to removing the existing infrastructure and erecting 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 in accordance with the Council's own assessment.

¹ : Ref 21/3908/FUL

6. The requirements of s66(1) of the Act do not apply to proposals for advertisement consent because that statutory duty only applies to the consideration of planning applications made under The Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I have taken account of the presence of nearby listed and non-designated assets in considering the impact on amenity.

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, having regard to the Golders Green Conservation Area (CA), the presence of nearby Grade II listed Milestone and Clock Tower and nearby non-designated heritage buildings; and
 - The effect of the proposed advertisements on public safety.

Reasons

Visual amenity

9. The appeal site is adjacent to the CA, and whilst not within it, the advertisements would be visible in views to and from the edge of the CA. The significance of the CA closest to the appeal site is derived from the purpose-built parades with retail uses on the ground floor and residential above, which lead to views of the Grade II listed Clock Tower.
10. The proposed advertisement would be located on a wide area of pavement where an existing phone kiosk is currently sited. There is a large open flagged area adjacent to the appeal site with a retail shop set further back from the pavement. From the evidence presented by both the main parties, there appears to have previously been a free-standing advertisement close to the appeal site. However, at the time of my visit, no such advert was evident, and the pavement had been made good.
11. There are other pieces of street furniture on this section of the pavement, including a bench, cycle racks, lamp posts, and litter bins. I also observed a 2-sided advertisement unit as part of a bus stop located on the same section of pavement. Other advertisements found in the immediate area include illuminated signage and non-illuminated advertisements for the nearby commercial premises.
12. Although the proposal would be higher than the existing structure which it would replace, it would be a slimmer design in terms of depth. As the advertisement would be viewed at a distance from other internally illuminated digital advertisements sited north at the bus stop and taking the immediate context of the existing streetscene into account, including other advertisements, I consider that the proposed scheme would not have a harmful

cumulative impact on the visual amenity of the area or views in and out of the CA.

13. The Grade II Clock Tower and nearby non-designated heritage buildings² are viewed within the setting of existing street furniture and a range of retail and commercial premises. There are visually prominent signs which are well spaced out and common features within this busy commercial environment. As such, the addition of the appeal scheme in this location on this open section of pavement, would not have a cumulative adverse impact on views of these assets or notably alter the way they are appreciated in the streetscene. The Grade II listed Milestone is located to the south of the appeal site outside of a residential property. Given its limited projection and scale against the existing boundary walls, the appeal scheme is located a sufficient distance away to avoid harming its architectural or historic features.
14. For the above reasons, the proposal would not harm the visual amenity of the area. The proposed advertisements would accord with Policies DM01 and DM06 of the Barnet Local Plan (Development Management Policies) Development Plan Document 2012 (DMP DPD), Policies D1, D4, D5, D8 and HC1 of the London Plan and guidance contained in Barnet's Design Guidance Note:1 Advertising and Signs. These seek, amongst other things, to ensure that new development protects character and amenity and preserves or enhances heritage assets and is of good design.

Public Safety

15. The Officer's Report indicates the proposal would be inappropriate in this location, given that it would affect the free passage of pedestrians with disabilities and visual impairments. As I have set out above, there was no freestanding advertisement evident at the time of my visit. As such, whilst the proposed Street Hub would be taller and wider than the existing phone kiosk, I find the pavement in this immediate area is sufficiently wide enough to accommodate the display screens and also provide adequate room for pedestrians, including those with disabilities and visual impairments to use the pavement freely.
16. Given the above, the proposed advertisements would not result in harm to public safety. The proposal would accord with Policy DM17 of the DMP DPD which seeks, amongst other things, to ensure proposals do not increase the risk to vulnerable users. There would also be no conflict with the National Planning Policy Framework which seeks to resist proposals where advertisements are poorly sited.

Other Matters

17. The Metropolitan Police Service's comments in the Officer's Report identify that an integrated CCTV camera be included to record and capture any antisocial behaviour, compliance with the BT Street Hub Anti-Social Management Plan Version 2 and removal of other nearby phone kiosks. However, as I have set out this appeal is for advertisement consent only and the functions such as making calls from the Street Hub would require separate consideration. For this reason, I do not find there is a requirement to attach these as conditions.

² Ref: HT00187 No's 616-642 The Parade.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.

A Hickey

INSPECTOR