



Appeal Decision

Site visit made on 8 September 2022 by R Dickson BSc (Hons) MSc

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2022

Appeal Ref: APP/N5090/Z/21/3287074

Footpath o/s 97 - 99 High Road, London N2 8AG, Grid Ref. 527225, 189601

- 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 BT PLC against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/1146/ADV, dated 22 February 2021, was refused by notice dated 22 September 2021.
 - The advertisement proposed is for 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development refers to an amended 'InLink' unit. This appears to refer to the previous and extant permission for an 'InLink' unit, which I understand is no longer in production. The drawings I have been provided with are for a 'StreetHub' unit and is the basis of which I am considering this appeal.
4. There is no dispute between the parties that the 'StreetHub' also requires planning permission. However, no such appeal is before me, therefore I am considering only the express consent for the advertisement, and not the structure of the 'StreetHub'.
5. There is some inconsistency between the appeal statement and the submitted drawings as to the number of telephone kiosks being removed in place of the proposed 'StreetHub'. However, when on site there were no existing telephone kiosks in the locations indicated on the plans. I am therefore considering this appeal based on the existing circumstances, and on the basis that the telephone kiosks have already been removed.

Main Issues

6. The main issues are the effect of the proposed advertisement on (a) visual amenity of the area, and (b) public safety.

Reasons for the Recommendation

Visual Amenity

7. High Road is a busy linear road with a mix use of commercial and residential. The area surrounding the appeal site, the southern part of High Road, is also characterised by commercial and retail use at ground floor level. The street has an open character, with wide pavements. The area is busy and with high footfall, owing to the underground station located near to the appeal site.
8. There are existing internally illuminated digital and static advertisements near to the appeal site, however there are no existing telephone kiosks in the vicinity. The area in which the proposed advertisement would be sited has street furniture, including refuse bins, but is less cluttered than the section of High Road immediately to the north and south.
9. Given that there are no existing telephone kiosks, the introduction of the advertisement in this location would have the effect of cluttering this section of the street, which as existing is a more open area than the street to the north and south of the site. Given the slightly more open nature of the appeal site, the proposed 'StreetHub' would be a prominent addition.
10. The appellant has identified that they have an extant permission for an 'InLink' unit, however given that the units are no longer in production, I do not find that it is likely that this would be implemented, and therefore give this fallback option limited weight.
11. Consequently, the proposed advertisement would have a harmful effect on the visual amenity of the area which could not be addressed by conditions. I have taken into account Paragraph 67 of the Framework, Policy DM01 and DM18 of the Barnet Development Management Policies DPD (2012) (Local Plan), and the Barney Design Guidance Note 1: Advertising and Signs, which collectively seek to ensure advertisements do not have a negative impact on public safety. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

Public Safety

12. The advertisement itself would not result in any public safety concerns, owing to its proposed placement perpendicular to the road, and the slow speed limit of this section of High Road. Furthermore, the placement of the proposed advertisement, given the width of the pavement, would not be likely to result in any public safety concerns with specific regard to pedestrian safety. Notwithstanding the above, I do not find that the lack of public safety concerns with regards to the siting of the advertisement is reason enough to justify allowing the advertisement and does not outweigh the visual amenity concerns.
13. The appellant has identified that the advertisement would generate funding to provide the structure, which in turn provides the addition public safety benefits, such as the CCTV cameras and emergency contact abilities. Matters relating to the funding revenue received from the placement of the advertisement are outside of the scope of the relevant regulations. In any event, from the evidence before me I cannot be certain that the 'StreetHub' structure that would be funded through this advertisement have been, or would be, granted permission. Therefore, this matter has not been decisive in this case.

14. Accordingly, the advertisement would not harm highway safety or public safety, however any public safety benefits derived from the advertisement cannot be taken into account. As discussed above, the structure of the 'StreetHub' is the subject of a different application, which I am not considering as part of this advertisement appeal.
15. Accordingly, the proposed advertisement would not have a harmful effect on public safety. I have taken into account Paragraph 67 of the Framework, Policy DM01 and DM18 of the Local Plan, and the Barney Design Guidance Note 1: Advertising and Signs, which collectively seek to ensure advertisements do not have a negative impact on public safety. Given I have concluded that the proposal would harm public safety, the proposal does not conflict with these policies.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hunter

INSPECTOR