



Appeal Decision

Site visit made on 13 September 2022 by A Humphries BSc (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/G5180/Z/21/3286814

Land adjacent 72 and fronting 72 - 84 High Street, Bromley, Grid Reference Easting 540288, Grid Reference Northing 168980.

- 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 on behalf of British Telecom Plc against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/02648/ADV, dated 10 May 2021, was refused by notice dated 17 September 2021.
 - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the amended InLink unit.
-

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 address on the application form only provided a grid reference. In the interests of clarity, the site address above has been taken from the appeal form, which is also replicated on the Council's decision notice. The postcode, however, was omitted from the appeal form and the Council's decision notice. The grid reference from the application form has therefore been included in the above.
4. The proposed advertisement would be installed and displayed on a BT Street Hub. The removal of a BT Phone Box, together with the installation of a BT Street Hub, was sought under a separate planning application that was refused by the Council. The removal of a BT Phone Box and the installation of a BT Street Hub structure does not form part of this appeal and this appeal relates solely to the proposed advertisement.
5. In assessing the proposed advertisement from an amenity perspective, it is difficult to disassociate the advertisement from its proposed housing. No other way of supporting the advertisement has been shown on the drawings and, without the associated housing, the proposed advertisement could not exist in isolation. Thus, whilst this decision relates solely to the proposed advertisement and makes no comment on the planning merits of the BT Street

Hub, I have taken account of the nature of the proposed housing as part of the context of assessing the visual amenity of the proposed advertisement.

6. Where relevant, possible effects on designated heritage assets have been considered. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. In advertisement appeals this is only in so far as it relates to amenity.

Main Issue

7. The National Planning Policy Framework 2021 (the Framework) sets out that advertisements should be subject to control with regard to amenity and public safety, taking account of cumulative impacts. I note that the Council has not raised any issues regarding public safety. On the basis of there being no evidence to the contrary and observations made during the site visit, I see no reason to disagree.
8. The main issue is therefore the effect of the proposed advertisement on amenity, with regard to the character and appearance of the area and the Bromley Town Centre Conservation Area.

Reasons for the Recommendation

9. The appeal site is within a wide pedestrianised area of Bromley High Street, located immediately in front of active commercial frontages. Located in the town centre, the area generally consists of commercial and retail units.
10. In the immediate locality of the appeal site, a significant amount of street furniture was observed during the site visit, including bollards, lamp posts, refuse bins, traffic lights, raised planters, outdoor seating, 'A' frame posters and a wayfinding information sign. There were also digital signs on the commercial frontage immediately next to the appeal site. Opposite the appeal site beyond the road junction, there were two free standing digital advertisement.
11. The appeal site is within the Bromley Town Centre Conservation Area (the Conservation Area). In the absence of a Conservation Area Appraisal presented before me, I observed the significance of the Conservation Area to be derived from the historic development of the town centre. The area immediately around the appeal site comprises a range of town centre uses and accordingly has a vibrant and busy character. Its appearance is informed by a mix of traditional and modern buildings. The space created by the wide pedestrianised area contributes to a sense of openness.
12. The Framework recognises that poorly sited advertisements can adversely impact the quality and character of places. Whilst the appeal site is sited in a commercial and retail orientated area, owing to the size and prominent position of the proposed advertisement, it would be a visually dominant feature on the street scene. The proposed advertisement would increase visual clutter in an area that already has a significant amount of street furniture, including existing digital advertisements. Notwithstanding that the intensity of illumination could be controlled through a condition, when considered cumulatively with the existing digital advertisements, the proposed advertisement would erode the

quality and sense of openness, together with the appearance of the pedestrianised area.

13. Since the existing BT Phone Box on Ethelbert Road is located around the corner from the appeal site, it would not be within the direct line of sight of the proposed advertisement when viewed from the main vistas along the High Street. Consequently, the removal of the phone box would do little to mitigate the visual impact of the proposed advertisement and additional clutter when viewed from the High Street. Any removal of the existing BT Phone Box on Ethelbert Road does not form part of this appeal and therefore removal cannot be relied upon as part of this appeal.
14. The Council's reason for refusal in the decision notice refers to negative impacts from the proposed advertisement on the function of the public realm. However, as set out in the Council's delegated report, no objections have been raised in terms of pedestrian or highway safety. Since the proposed advertisement would be located within a wide pedestrian area with clear space either side, I am not persuaded that the proposed advertisement would have a negative impact on the function of the pedestrian area.
15. For the reasons above, the proposed advertisement would cause harm to the amenity due to the unacceptable effect on the character and appearance of the area because of the cumulative visual impact of additional street clutter. This would harm the significance of the Conservation Area. The proposed advertisement would therefore neither preserve nor enhance the Conservation Area. The Council has drawn my attention to policies 41 and 102 of the Bromley Local Plan (2019). Collectively, these policies seek to preserve or enhance the character and appearance of conservation areas. Whilst not determinative, I have taken these policies into account in so far as the policy is a material consideration and I find that the proposed advertisement would be contrary to these policies.

Other Matters

16. I have had regard to the appellant's contention that the proposed advertisement would provide public benefits as the advertisement would provide free electronic communications services to the public, which would include, amongst other features, WiFi and phone services networks, emergency charging, emergency call button, Council services and wayfinding information. The Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety. Furthermore, I am not persuaded that these suggested benefits that are associated specifically with the proposed advertisement itself, as opposed to the BT Street Hub. In any event, no mechanism to secure them has been provided.
17. The appellant has referred to other appeal decisions (ref. *APP/Z5630/H/3209488*, *APP/N5660/W/18/3199793*, *APP/Z41310/W/3205102* and *APP/Z1775/Z/18/3211052*) relating to sites within Kingston upon Thames, Lambeth, Liverpool and Portsmouth, respectively. These appeals relate to different locations to the proposed advertisement and therefore the local context and environment would not be directly comparable. Consequently, reference to these appeal decisions does not lead me to alter my recommendation.

18. I note that the appellant's concern regarding the Council's level of engagement with the application process. It is difficult to conclude on the level of engagement from the information provided however, in any event, this has had no bearing on this appeal decision, which has focused on the merits of the proposed advertisement itself.

Conclusion and Recommendation

19. For the reasons given above I conclude that the display of the proposed advertisement would be detrimental to the interests of amenity. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR