



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/21/3286752

Footpath along Market Square, Bromley, Grid Reference Easting 540279, Grid Reference Northing 169298.

- 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/21/02645/ADV, dated 11 May 2021, was refused by notice dated 16 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 allowed and express consent is granted for two digital 75 inch LCD display screen, one on each side of the amended InLink unit. 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 and the following additional conditions:
 - 1) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m^2) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
 - 3) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
 - 4) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
 - 5) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

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 and therefore in the interests of clarity the site address above has been taken from the appeal form. The postcode, however, was omitted from the appeal form. The grid reference from the application form has therefore been included in the above. I note that there is a degree of variation between the site address given on the appeal form and the Council's decision notice, however, I am satisfied that they identify the same site.
4. The proposed advertisement would be installed and displayed on a BT Street Hub. The removal of two BT Phone Boxes and installation of the BT Street Hub structure were sought under a separate planning application which was refused by the Council. From the information before me, no appeal has been made in relation to that refusal 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 proposed 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 of the area.

Reasons for the Recommendation

9. The appeal site, which is occupied by two BT Phone Boxes with associated poster advertisements, is located within a wide pedestrianised area of Bromley

High Street. The appeal site is immediately in front of active commercial frontages that at the time of the site visit were principally characterised by fascia signs at ground level and with poster advertisements in the front windows. Within the immediate locality of the appeal site, street furniture comprises refuse bins, raised planters, hand railing, outdoor seating and 'A' frame posters.

10. 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.
11. Owing to the size and location, the proposed advertisement would be in a visually prominent position in the Market Square. Whilst the Conservation Area contains buildings from a range of periods, the appeal site is in the corner of the Market Square where the immediate backdrop consists of a 1960s style building of no particular heritage value, along with the modern looking entrance to The Glades shopping precinct. Notably, the proposed advertisement would be a replacement of the existing BT Phone Boxes and associated poster advertisement. As a result, the proposed advertisement would neither introduce visual clutter nor cumulatively increase the number of advertisements in the locality. As a replacement of the existing BT Phone Box, the proposed advertisement would maintain the sense of openness.
12. Whilst it is recognised the proposed advertisement would be illuminated, the intensity of illumination, including the dimming of illumination during the hours of darkness could be controlled through a condition. Subject to such a condition, I am satisfied that the illumination would not cause unacceptable harm to amenity, having regard to the nature of the appeal site and surrounding buildings, as described above.
13. 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 and would not increase visual clutter, I am not persuaded that the proposed advertisement would have a negative impact on the function of the public realm.
14. For the reasons above, the proposed advertisement would not result in unacceptable harm to the visual amenity of the area and would preserve the character and appearance of 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 accord with these policies for the reasons set out.

Conditions

15. In addition to the standard conditions set out in the Regulations, the appellant has suggested conditions relating to the control of illumination, moving images, minimum display times and the frequency of successive displays. In the interests of public safety and visual amenity, I consider such conditions to be reasonable and necessary.

Conclusion and Recommendation

16. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity.

A Humphries

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 allowed and express consent granted subject to the five standard conditions set out in the Regulations and the additional conditions set out herein.

Chris Preston

INSPECTOR