



Appeal Decisions

Site visits made on 28 and 29 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal A: Appeal Ref: APP/L5240/W/22/3294560

Pavement O/S Beauty Shop, 34-36 Church Street, Croydon CR0 1RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Browne of BT Telecommunications Plc against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03222/FUL, dated 1 June 2021, was refused by notice dated 4 January 2022.
 - The development proposed is proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal B: Appeal Ref: APP/L5240/W/22/3294561

Pavement O/S Beauty Shop, 34-36 Church Street, Croydon CR0 1RB

- 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 Mr James Browne of BT Telecommunications Plc against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03223/ADV, dated 1 June 2021, was refused by notice dated 17 February 2022.
 - The advertisement proposed is 2no. digital 75" LCD display screens, one on each side of the Street Hub unit.
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Decision

Appeal A: Appeal Ref: APP/L5240/W/22/3294560

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/L5240/W/22/3294561

2. The appeal is dismissed.

Preliminary Matters

3. The proposals are located on the same site and relate to each other. I have therefore considered the appeals in a single decision letter to avoid repetition. However, I have considered each proposal on its individual merits.
4. In respect of Appeal B, there is some variation in the description of the proposal as given on the application form and decision notice. I have taken the description from the decision notice as I consider that this accurately represents the proposal.

5. Also in relation to Appeal B, the Council's reasons for refusal refer to the National Planning Policy Framework (the Framework) and the policies of the development plan. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the Framework and development plan policies into account, they have not been a decisive consideration in my determination of that appeal.

Main Issues

6. The main issues in respect of Appeal A are the effect of the proposal on the character and appearance of the area, with due regard as to whether it would preserve or enhance the Church Street Conservation Area (CA), and the effect on highway safety.
7. The main issues in respect of Appeal B are the effect on the amenity of the area with due regard to the CA, and public safety.

Reasons

Character, Appearance and Amenity.

8. The appeal site is located on the pavement within the busy shopping area of Church Street. The area contains a number of retail frontages with associated fascia advertisements and displays, as well as a number of features within the pavement including posts supporting tram wires, litter bins and phone kiosks.
9. The Church Street CA is part of an area of transition between the historic core of the Old Town around Croydon Minster, and the Victorian retail core. Church Street is a traditional shopping street with a mixture of buildings and follows a medieval route. The CA contains a mixture of buildings reflective of the organic development of the area. It is these features which contribute to the importance of the CA as a designated heritage asset.
10. The appeal site currently contains an open panel phone kiosk, with a telephone on one side and a scrolling physical advertisement on the other. I visited the site in the evening, and I saw that the extant advertisement is internally illuminated with a lesser degree of illumination for the telephone. Even within the relatively cluttered and vibrant appearance of this commercial area, the existing kiosk is a prominent feature within the streetscape due to its location on the edge of the pavement as well as its physical scale and orientation perpendicular to the highway. In this regard, the CA Appraisal and Management Plan (CAAMP) refers to the cluttered appearance of parts of the streetscape, and this reflects my own observations of the vicinity of the appeal site and the effect of the existing kiosk and nearby features.
11. The size and dimensions of the proposed hub unit would be similar to the kiosk it replaces. The appellant states the hub would be taller than the kiosk, although the submitted plans indicate that the increase in height would be limited. The hub would also be of a slimmer more modern design compared to the kiosk. In these respects, the proposals would have a broadly neutral effect on the character and appearance of the area, including the CA.
12. However, the proposals would introduce a digital display on an elevation where such a display does not exist. Although there is a telephone on this elevation with a degree of illumination, the proposed display would have a greater extent

of illumination and the changing images would draw the eye. Even with controls over the degree of illumination, the display would be readily apparent during the day and would be particularly intrusive in the hours of darkness. In effect, the proposals would increase the number of advertisement displays in this area, and in a particularly prominent location within the streetscape. Even within the context of this shopping street, the proposals would lead to the introduction of a further display which would exacerbate the obtrusive appearance of the existing kiosk and the perception of a cluttered streetscape. For these reasons, the proposals would lead to unacceptable harm to the character and appearance of the area and would fail to preserve or enhance the CA.

13. The appeal site is part of a view of the Minster along Church Street, which the CAAMP identifies as a significant view. The proposed hub and the digital display would be a prominent feature within this view. However, the existing kiosk and illuminated advertisement are also prominent, and on that basis I consider that the proposals would have a broadly neutral effect on this significant view. The Council refers to a greater level of illuminance in respect of the proposed displays, but has provided no substantive evidence to demonstrate this. Nevertheless, these matters do not negate the harm I have identified in respect of the consideration of the wider CA.
14. The harm to the CA would be less than substantial, but I attach great weight to the conservation of this designated heritage asset in accordance with paragraph 199 of the Framework.
15. I am mindful of the public benefits of the proposal, including that high quality and reliable communications infrastructure is essential for economic growth and social well-being. The appellant emphasises the benefits that would arise from the proposal, including the provision of wi-fi, 5G coverage and services for visitors to the area. However, it has not been demonstrated that these benefits could not be provided by infrastructure of a more appropriate design and location, or that these benefits are reliant on the provision of the digital displays. These benefits therefore carry very limited weight in favour of the design and location of the appeal proposals. It is also proposed to remove a call box in a different location, however this is some distance from the appeal site and would not mitigate for the harm arising from the proposals in this location. On balance, the public benefits arising from the proposals would not outweigh the harm I have identified.
16. For the reason stated above, in respect of Appeal A, the proposal would lead to unacceptable harm to the character and appearance of the area, and would fail to preserve or enhance the character and appearance of the CA. In respect of Appeal B, the proposal would lead to unacceptable harm to the amenity of the area.
17. The proposals would therefore be contrary to the design, character and heritage requirements of Policies D3, D8, and HC1 of the London Plan 2021 and Policies DM10, DM18 and SP4 of the Croydon Local Plan 2018 (the Local Plan). The proposals would also be contrary to the Framework with regards to achieving well-designed places and conserving and enhancing the historic environment. The proposals would also not follow the advice of the Croydon Public Realm Design Guide 2019 which seeks to discourage advertising on footways within high footfall areas and in Conservation Areas.

Highway and Public Safety

18. The appeal site is within a busy commercial area, and I observed a number of pedestrians passing the appeal site and crossing the road in this location. The highway in this area is of a relatively complex nature, with a mixture of pedestrian and other movements including trams, cars, delivery vehicles and cycles. Although traffic speeds on the carriageway are relatively low and are via a one-way system, the number and varied form of movements along the highway mean that pedestrians and other road users need to be particularly careful when passing through this area.
19. The existing kiosk limits the visibility of pedestrians and other road users when pedestrians are crossing the highway in the vicinity of the appeal site. Due to the proposed location, the appeal proposals would also have a similar detrimental effect on visibility.
20. Although the extant kiosk includes a scrolling illuminated advertisement, the appeal proposals would introduce a further illuminated digital display on an elevation where no such advertisement currently exists. Both the display and the changing nature of the images would draw the eye, with the potential to distract pedestrians and other highway users with a resultant risk of collisions between pedestrians and vehicles. Due to the sensitivity of this site in respect of pedestrian and other movements, it would not be sensible to create a further source of distraction for highway users.
21. I conclude that due to the siting and design of the proposals, that Appeal A would lead to significant harm in respect of highway safety and Appeal B would lead to significant harm to public safety. The proposals would therefore be contrary to the highway safety and road danger considerations of Policy T4 of the London Plan and Policy DM29 of the Local Plan.

Other Matters

22. I note that the Council did not object to the installation of the existing kiosk, and that advertisement consent has previously been granted for signage at the site. However, the evidence suggests that these decisions were made on the basis of a previous kiosk at the site, and that the proposals under consideration were materially different to those before me, including in respect of the number of displays proposed as well as the policies and guidance in place at that time. The Council's previous decisions in respect of this site do not lead me to a different conclusion on these appeals based upon what I have seen and read.
23. I have had regard to the appeal decisions referred to by the appellant. However, it has not been demonstrated that they represent a direct parallel to the appeals before me, including in respect of the visual context of the area, the form of the proposals, or the nature of the highway. In any event, I have reached my own conclusions on the appeals before me.

Conclusion

24. I have concluded that the proposals would be harmful in respect of public amenity as well as character and appearance, including in respect of the CA. The proposals would also lead to unacceptable harm in respect of highway and public safety. Appeal A would conflict with the development plan and the Framework on those issues. The identified harm is not outweighed by any

public benefits that may arise. For the reasons given, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR