



Appeal Decisions

Site visit made on 31 October 2022

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal 'A' Ref: APP/L5240/W/21/3285090 Outside 1530 London Road, Croydon SW16 4EU

- 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, BT Telecommunications PLC, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03236/FUL, dated 28 May 2021, was refused by notice dated 26 August 2021.
 - The development proposed is 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks.
-

Appeal 'B' Ref: APP/L5240/H/21/3285092 Outside 1530 London Road, Croydon SW16 4EU

- 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, BT Telecommunications PLC against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03237/ADV, dated 28 May 2021, was refused by notice dated 3 September 2021.
 - The advertisements proposed are 2no. digital 75-inch LCD display screens, one on each side of the street hub unit.
-

Decisions

Appeal 'A' Ref: APP/L5240/W/21/3285090

1. The appeal is dismissed.

Appeal 'B' Ref: APP/L5240/H/21/3285092

2. The appeal is dismissed.

Procedural matters

3. The two appeals concern the same proposal on the same site. Appeal 'A' concerns the refusal of planning permission to erect a BT street hub. Appeal 'B' concerns the refusal of express consent to display advertisements on the street hub. I have considered each on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decisions letter.
 4. The Advertisements Regulations stipulate that control may be exercised only in the interests of amenity and public safety. In determining the advertisement
-

appeal, the development plan policies are not determinative, but I have taken them into account in determining the appeal against the refusal of planning permission.

Main issues

5. The main issues are, in appeal 'A', the effect of the proposed development on:
- the character and appearance of the area, including the surrounding townscape and public realm;
 - pedestrian movement;
 - highway and crime safety;
- and, in appeal 'B', the effect of the proposed advertisements on:
- visual amenity; and,
 - highway and crime safety.

Reasons

Character and appearance of the area and visual amenity

6. The site of these appeals is on a section of London Road in the Norbury District Centre, enclosed by shops, restaurants, and cafés. Downstream of the site is a bus stop with flag post, and beyond that a pedestrian crossing. A bin, lamp columns, sign-posts, and a handful of bicycle stands are dispersed throughout this section.
7. While the buildings which enclose the street on this side are not remarkable in their materials or detailing, there is a coherence in their rhythm of mansards and gables which bookend the block, and which the widths of the shops below reflect. The intensity of the animation and activity at the shops and their frontages is visually anchored by the backdrop of this townscape above, and enabled by the relatively narrow but generally clear footways in front of them.
8. In this context, given the scale and scarcity of the street furniture already in the street, and the attractive spatial effect of the relatively clear footway balancing the commercial activity of the shops which animate it, the proposed street hub, because of its height and its width in relation to the scale of the frontages and the profile of the street on this side, would be visually intrusive. It would disrupt the spatial balance between the relatively uncluttered footway and the enclosing buildings, to the detriment of the street scene.
9. Part of the character of the street is the commercial nature of shop advertisements including fascias, projecting signs, awnings, and window display. However, unlike the existing advertisements in this section of the street which are generally confined to the buildings rather than being freestanding in the footway, the incompatible, prominent siting of the advertisements in this proposal, made more conspicuous by their illumination, would undermine the attractive order in the appearance of the street. I acknowledge the appellant's point about the presence of a bus shelter with advertising. However, at the time of my visit there was no bus shelter, only a flag post.

10. I conclude on this issue that the proposal would harm the appearance and visual amenity of the area. It would conflict with Croydon Local Plan 2018 (CLP) policy SP4 which requires development to contribute positively to the public realm, landscape and townscape.
11. It would also conflict with London Plan 2021 (LP) policies D3 and D8 which require development to enhance local context by delivering spaces that positively respond to local distinctiveness through layout, scale, and appearance; to ensure that the public realm is well-designed, attractive, and related to the local context; that the function of the public realm as a place is provided for; that consideration should be given to the location of street furniture to complement the use and function of the space; and that applications which seek to introduce unnecessary street furniture should be refused.

Pedestrian movement

12. Given the limited width of the street hub and the amount of clear passage that would remain between the closest building and the street hub in this section of the footway, I can see no potential obstruction to the footway including when shops are trading and buses are stopping. There would be no harm to pedestrian movement, and no conflict in this respect with CLP policy SP4, nor with LP policy D8 which requires development to ensure the movement function of the public realm is provided for.

Highway safety

13. The street hub would be orientated to face oncoming drivers and sited close to the kerb of the footway, in the drivers' eye lines, which would reduce the risk of drivers turning away from the road to look at the advertisements, in accordance with the guidance¹ of Transport for London. It would be sited sufficiently distant from the bus-stop and the pedestrian crossing to avoid advertisements distracting drivers as they approach or move through.
14. There is no substantive evidence, and nothing that I could see on-site, to suggest that there would be any conflict with signage, nor that the road geometry and layout is so complicated, nor that driving conditions are so demanding, that the proposal would present an unacceptable highway safety risk.
15. I conclude on this issue that there would be no material risk to highway safety from the proposal and no conflict with LP policy T4 and CLP policy DM29 which protect the safety of people using roads and footways.

¹ Guidance for Digital Roadside Advertising and Proposed Best Practice, Transport for London, 4 March 2013

Crime safety

16. I acknowledge the consultation response from the Metropolitan Police describing a severe crime risk in London Road, and their recommending the suspension of the function of free phone calls, free Wi-Fi and free phone charging. However, the Council has not recommended any such condition.
17. In these circumstances, and noting the provisions of the BT Street Hub Anti-social Behaviour Management Plan, which provides for call restrictions, the disabling of the USB port and, alongside its algorithm, the priority assigned to contact from the police, a planning condition could reduce the risk of the BT street hub being used for crime to an acceptable degree.
18. The street hub would be sited well away from other large, street furniture in the footway. While it may reduce some vision of the footway in long views, given the clear width of the footway, the activity and overlooking on and alongside it, natural surveillance would not be reduced by a significant degree.
19. I conclude on this issue that, subject to a condition to secure the management plan, there would be no unacceptable risk to crime safety from the proposal. There would be no conflict with LP policy D3 which requires measures to design out crime being integral to development proposals and opportunities for anti-social behaviour, criminal activities and terrorism to be reduced. Nor would the proposal run against the National Planning Policy Framework which requires in paragraph 92 that decisions aim to achieve safe places and high-quality public space so that crime and the fear of crime do not undermine the quality of life.

Other matters

20. I have taken into account the phone box and kiosk which display advertisements and which would be removed as part of this proposal. However, their surroundings are more spacious and less commercial than those in this proposal and their townscape contexts quite different. I can identify no benefits from their removal, which would mitigate or outweigh the harm to the appearance and visual amenity of the area and the place functions of the public realm which would arise from this proposal.
21. I have considered the appeal decisions² referred to by the appellant. However, while I do not have the details of that proposal, I can read that the environment surrounding it is not comparable to the circumstances in this case. Without details of that proposal, including any similarity to the apparatus, surroundings, and siting in this case, it is not possible to draw any parallels.

Conclusion

22. There would be no harm to pedestrian movement, no material risk to highway safety, and no unacceptable risk to crime safety from the proposal. However, it would harm the appearance and visual amenity of the area. And it would be contrary to the development plan when read as a whole.
23. Set against this, the street hub would provide free, ultrafast public and encrypted Wi-Fi, free phone calls, wayfinding, device charging, an emergency

² Appeal refs: APP/Z4310/W/18/3205104 & App/Z4310/W/18/3205102

999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality, noise and traffic monitoring. It would also be powered by renewable energy. However, all the benefits advanced by the appellant do not outweigh the harm to the appearance and visual amenity of the area.

24. For the reasons given above, and taking into account all matters raised, the appeals are dismissed.

Patrick Whelan

INSPECTOR