
Appeal Decisions

Site visit made on 13 July 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/21/3286892

Outside 57 South End, Croydon CR0 1BF

- 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 21/03248/FUL, dated 28 May 2021, was refused by notice dated 22 October 2021.
 - The development proposed is 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal 'B' Ref: APP/L5240/H/21/3286893

Outside 57 South End, Croydon CR0 1BF

- 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 21/03249/ADV, dated 28 May 2021, was refused by notice dated 22 October 2021.
 - The advertisements proposed are 2no. digital 75" LCD display screens, one on each side of the street hub unit.
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Decisions

Appeal 'A' Ref: APP/L5240/W/21/3286892

1. The appeal is allowed and planning permission is granted for 1no. new BT street hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks, outside 57 South End, Croydon CR0 1BF, in accordance with the terms of the application, Ref 21/03248/FUL, dated 28 May 2021, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Appeal 'B' Ref: APP/L5240/H/21/3286893

2. The appeal is allowed and express consent is granted for 2no. digital 75" LCD display screens, one on each side of the street hub 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 additional conditions in the schedule at the end of these decisions.

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'
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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 safety;and, in appeal 'B', the effect of the proposed advertisements on:
 - visual amenity; and,
 - highway safety.

Reasons

Character and appearance of the area and visual amenity

6. Reflecting its position to the south of the metropolitan centre of Croydon, this section of the street has a busy commercial character. People step in and out of the shops and restaurants, catch buses, and pass along the footways or sit at tables in front of the cafés. The animation of these activities gives the street an attractive, commercial character. Given the already bustling, commercial aspect in this section, the proposal would not undermine its appealing character as a place to live in, to work in, or to visit.
7. Reinforcing its attractive character, the street has a pleasing and interesting variety in the detailing and materials of the buildings which enclose it. The telephone box on this side of the street is a metal and plastic, dome-topped BT model. Its design and materials give it more of a corporate, universal identity than lending it any affinity with the distinctive townscape of the buildings which surround it.
8. Moreover, two of its enclosing sides are covered in advertising or fly-posters and there is considerable graffiti inside and outside. The phone box detracts from the attractive appearance of the street. Its removal, which would be necessary for the development to be effective, would not harm the townscape of the street or the attractiveness of the public realm.
9. The street hub which would replace it would be taller and broader. However, it would be narrower. It would have more slender proportions, a plainer form, slicker detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street. It would appear less bulky and less conspicuous than the phone box it would replace. Alongside the bicycle stands,

bins, bollards, CCTV and light columns, parking meter, and post-box, it would not appear out of place in this public realm.

10. I appreciate the Council's point that the existing advertisements attached to the phone box are not illuminated. However, in terms of appearance, there is a world of difference between paper or vinyl advertisements pasted over the glazed panels of a phone box and its rails and the purposed-designed, well-detailed street hub containing LCD screens. In my view, the street hub, including its advertisement panels, would improve the visual and townscape qualities of the street scene.
11. This section of the street is characterised by the shops and restaurants which advertise themselves with fascia signs, projecting signs, and awnings. The bus stop, further along, also displays advertising posters. In this context, and subject to conditions to control their illumination at night, I can see no harm to visual amenity from the size, positions and method of illumination of the advertisements on the street hub.
12. Given that the phone box would be removed, the proposal would not harm the character and appearance of the area, including the surrounding townscape and public realm. There would be no harm to visual amenity. There would be no conflict with London Plan 2021 (LP) policies D3 and D8, nor with Croydon Local Plan 2018 (CLP) policy SP4. These seek development that encourages active travel with inclusive pedestrian routes, and require development to ensure that the public realm is attractive and related to the local context, to respond to local distinctiveness, and to contribute positively to public realm and townscape.

Pedestrian movement

13. It appears that the building immediately opposite the street hub was last used as a restaurant. Its frontage is set back from the footway. The area has a high footfall. I saw at my site visit how popular were the restaurants whose frontages opened up onto the footway or which had tables on the footway. Given the amount of clear passage that would remain between the building and the street hub in this widened section of the footway, even with tables on the footway in the pattern I saw popular in the street, I can see no potential obstruction to the footway or any compromise to any 'al fresco' service.
14. I appreciate that the Council's guidance¹ suggests that street clutter should be avoided and that only furniture that is either needed or improves the user experience should be added to the public realm. While the street hub would be another item of street furniture, given that it would replace a phone box only marginally narrower, in the same location, and noting the clear width of footway which would remain in this widened section, I can see no conflict with the use of the footway or access to the buildings on this side. Nor, with the street hub standing on the south side of the phone box, would there be any conflict with what appears to be a tree pit on its north side.

¹ Croydon's Public Realm Design Guide 2019, Council of the London Borough of Croydon

15. There would be no conflict with LP policy D8, nor with CLP policy SP4 which require development to contribute positively to the public realm, to provide for its movement and place functions, and which indicate that applications that introduce unnecessary street furniture should be refused.

Highway safety

16. The street hub would be orientated to face oncoming drivers and sited close to the kerb of the footway, in the drivers' sight lines, which would reduce the risk of drivers turning away from the road to look at the advertisements, in accordance with the guidance² of Transport for London. It would be sited sufficiently distant from the bus stop to avoid advertisements distracting drivers as they manoeuvre buses.
17. Nor would the siting of the street hub reduce to any significant degree the visibility of drivers emerging from the access to the alley behind the shops in this section over the present conditions with the phone box in place.
18. 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. 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.

Other matters

19. I have given the special regard to the desirability of preserving the setting of listed buildings required by the Act, which in this case is the grade II listed building, 46 South End, on the opposite side of the street.
20. In the context of the definition of setting in the National Planning Policy Framework, as the surroundings in which a heritage asset is experienced, and because of the level of commercial activity in the street, the distance of the proposed street hub from the building, and the architectural animation across the facades of the shops and restaurants in this section, the proposal would have such limited impact on the setting of the listed building that it would be preserved in accordance with the expectations of the Act, and the objectives of the Framework which recognise the potential for harm to the significance of a designated heritage asset from development within its setting.
21. I note the intention to remove a second phone box, in Heathfield Road. There is no objection from the Council to this, and I have no reason to disagree with it. While the disposal of the second phone box may be considered a benefit to the public realm, given my conclusions above on the first phone box, the removal of this has not been a decisive factor in the balance of this proposal.
22. I acknowledge that LP policy D8 requires lighting for advertisements to minimise intrusive infrastructure and reduce light pollution. However, in this proposal the lighting would be in-built. Given the location in a large city with streets lit by

² Guidance for Digital Roadside Advertising and Proposed Best Practice, 4 March 2013, Transport for London

streetlights and buildings, I am not convinced that, subject to a condition controlling its illuminance, the proposal would result in a harmful increase in light pollution or disturbance to surrounding occupiers.

23. I have had regard to the risk of harm from the cumulative effect of similar installations in the same area as this proposal. However, on the evidence before me, and from what I saw in the area, I cannot identify any such risk.

Conditions

24. I have considered the conditions suggested by the Council against the advice in the Planning Practice Guidance, and amended them where necessary. In appeal 'A, in addition to the statutory time condition [1], a condition [2] listing the approved drawings is needed to ensure clarity on what has been permitted.
25. The appellant's product statement describes the facing materials as powder-coated aluminium and glass, and the renders show the metal in a very dark monotone. There is no necessity for details of facing materials or finishes to be approved. However, in the interests of appearance and visual amenity it is necessary for the specification to be followed, so I have applied condition [3].
26. It is also necessary, in order to reduce the risk of street crime and anti-social behaviour in the outer London borough with the highest crime rate, that a condition be applied to ensure that the street hub is effectively managed. I have therefore applied a condition [4] for its management to be in accordance with the BT Street Hub Anti-social Behaviour Management Plan April 2021.
27. In appeal 'B', to prevent visual intrusion and distraction to road users, it is necessary to apply a condition [1] to control the illuminance of the advertisements so that they do not stand out significantly from the background illumination in the street, during darkness. The proposal is for the advertisements to have internal illumination of 2,500cd/m². It is unclear how the Council has determined that the level should be no greater than 300cd/m². However, the lighting guidance³ suggests that in urban areas, such as this, the maximum level could be up to 600cd/m². Given the location of the proposal, the commercial and lit character of the street, the visual contrast of the surroundings, and the size of the street hub's screens, I consider that 600cd/m² is a reasonable upper limit. To avoid the risk of distraction to drivers, it is also necessary for conditions to avoid, special effects, moving or sequenced images [2], to ensure a minimum display time [2], and to reduce the rate of change of images to instantaneous [3].

Conclusion

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

Patrick Whelan

INSPECTOR

³ Professional Lighting Guide 05, The Brightness Of Illuminated Advertisements, 2015, Institution of Lighting Professionals

SCHEDULES OF CONDITIONS

Appeal 'A' Ref: APP/L5240/W/21/3286892

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1A SITE LOCATION MAPS; 2A PROPOSED SITE PLAN; 3A EXISTING AND PROPOSED ELEVATIONS.
- 3) The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposal Renders 2021.
- 4) The BT street hub, including its electronic features, shall be managed in accordance with the BT Street Hub Anti-Social Behaviour Management Plan, April 2021, for the lifetime of the development.

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In addition to the five standard conditions in the Regulations:

- 1) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).
- 2) The minimum display time for each advertisement shall be 10 seconds. There shall be no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.
- 3) The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

END OF SCHEDULES OF CONDITIONS