



Appeal Decisions

Site visit made on 24 January 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal A Ref: APP/L5240/W/21/3286627

Pavement outside Specsavers, 112 North End, Croydon CR0 1UD

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03200/FUL, dated 16 June 2021, was refused by notice dated 13 September 2021.
 - The development proposed is described as "replacement and upgrade of an existing telephone kiosk with a modern, multifunction hub unit featuring an integral advertisement display and defibrillator, occupying the same area of pavement as the existing telephone kiosk".
-

Appeal B Ref: APP/L5240/H/21/3286630

Pavement outside Specsavers, 112 North End, Croydon CR0 1UD

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03201/ADV, dated 16 June 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as "replacement and upgrade of an existing telephone kiosk with a modern, multifunction hub unit featuring an integral advertisement display and defibrillator, occupying the same area of pavement as the existing telephone kiosk".
-

Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. There are two appeals relating to the site, one against a refusal of planning permission and the other against a refusal of advertisement consent. They are intrinsically linked as one concerns a hub unit upon which, amongst other things, an advertisement would be displayed, and both raise similar issues. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.

Main Issues

3. The main issues in respect of Appeal A are the effect of the proposed development on:
 - the character and appearance of the surrounding area, including the character, appearance and significance of the Central Croydon Conservation Area and a Locally Designated View;
 - the public realm; and
 - the risk of crime.
4. The main issue in respect of Appeal B is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

Character and Appearance/Visual Amenity – Appeal A and B

5. The appeal site is located within the Central Croydon Conservation Area (CA) therefore I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. With regard to Appeal B, this is relevant in so far as it relates to the consideration of visual amenity.
6. The significance of the CA is derived from it forming the commercial and civic heart of Croydon, with a historic street layout, and retains much of its historic fabric and plan form. North End comprises a busy pedestrianised shopping street, with a varied mix of buildings representing several architectural periods and styles. The buildings are generally single to three-storeys in height, abutting the back edge of the pavement.
7. The appeal site is located centrally within part of a pedestrianised street. Retail units flank either side, with their associated fascia and projecting advertisements, whilst the public realm contains a number of street furniture items including seating, telephone boxes, CCTV cameras, lampposts, and outdoor seating areas for cafes. The appeal site currently contains a glazed, open-sided phone kiosk, upon which no advertisements were displayed when I visited the site. Whilst the existing kiosk does not make a positive contribution to the street, its design and materials ensure that it is largely unobtrusive and allows views to be gained through it along the street.
8. The existing phone kiosk would be replaced with a digital hub that would include a digital internally illuminated advertisement display. The proposed hub would be positioned so that the proposed advertisements would face in a southerly direction, towards oncoming pedestrians. The northern side of the hub would face towards some seating in the public realm and would contain a telephone and a defibrillator beneath a small canopy. It would be similar in height and width to the existing kiosk it would replace and would occupy a smaller area of land. However, its design would be more solid in appearance than the existing, largely glazed kiosk and together with its centrally prominent position in the public realm, this would result in a visually obtrusive feature in views along North End and would restrict views along the street. In respect of

Appeal A, the proposed development would neither preserve or enhance the character, appearance or significance of the CA.

9. The digital hub would include a large, illuminated screen. In the case of Appeal B, the images displayed would be advertisements. Whilst light levels would be reduced overnight, it would nevertheless be a bright item in the street, particularly at night. Its brightness, together with its size, would result in an overly prominent feature in the street and would detract from the significance of the CA described above.
10. There is a Locally Designated View from North End to the Town Hall Clock Tower. The appeal site is at the far end of North End. Due to the height of the buildings flanking the street in this location combined with the height of the street trees, views of the Town Hall Clock Tower are very limited and restricted to glimpses of the top of the dome. Furthermore, these limited views would be even more restricted when the trees are in leaf. Although I have found that the proposed development would be obtrusive and visually prominent, due to the scale of the digital hub, its distance from the Town Hall Clock Tower and the intervening features, it would not detract from the protected view.
11. In reference to the first main issue the proposed development, in respect of Appeal A, I do not find that the proposal would adversely affect a Locally Designated View. However, it would adversely affect the character and appearance of the area, including the character, appearance and significance of the CA. Consequently, it would conflict with Policies DM18 and SP4 of the Croydon Local Plan 2018, adopted 2018 (CLP) and Policy HC1 of The London Plan¹, adopted 2021 (LP) that, amongst other things, seek to preserve and enhance heritage assets, and respect and enhance Croydon's varied character. It would also conflict with the National Planning Policy Framework (NPPF) that seeks to conserve and enhance the historic environment and requires developments to add to the overall quality of the area and to be sympathetic to local character and history.
12. In reference to the main issue in respect of Appeal B, the proposed advertisement would detract from the visual amenity of the area. It would be contrary to Policies DM18 and SP4 of the CLP and Policy HC1 of the LP that, amongst other things, seek to respect and enhance Croydon's varied character. This is supported by the NPPF that states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public Realm – Appeal A

13. The proposed digital hub would be located within a cluster of street furniture. Its size and location would be very similar to the existing phone kiosk and therefore it would not create any additional obstruction to pedestrians. Whilst its illuminated panel would make it more prominent, I am not presented with evidence that it would be so distracting as to be harmful to pedestrians.
14. In reference to the second main issue in respect of Appeal A, the proposed development would have an acceptable effect on the public realm. It would therefore comply with Policy SP4 of the CLP, Policy D8 of the LP and the advice contained within the Croydon Public Realm Design Guide, adopted 2019 which,

¹ The London Plan: The Spatial Development Strategy for Greater London, March 2021

together, seek to ensure that the public realm caters for its function for movement and as a place and is well designed, functional and accessible.

Risk of Crime – Appeal A

15. The Metropolitan Police describes North End as having a severe crime risk and recommends the suspension of the hub's functionality of free phone calls, free Wi-Fi and free phone charging, with no cavities or small areas where weapons and drugs can be concealed. However, it does not raise an in-principle objection to the proposed development and instead recommends a condition that requires the proposed hub to be managed in accordance with Version 2 of the BT Street Hub Anti-Social Behaviour Management Plan. The Council has not disputed the inclusion of this condition and the appellant has suggested a similar condition.
16. In reference to the third main issue in respect of Appeal A, subject to a condition to secure the management plan, the proposed development would not raise an unacceptable risk of crime. The proposal would comply with paragraph 3.3.14 which supports Policy D3 of the LP which requires measures to design out crime to be integral to development proposals and that developments should reduce opportunities for anti-social behaviour, criminal activities and terrorism. Additionally, the proposal would comply with the NPPF which requires decisions to achieve safe places and high-quality public space so that crime and the fear of crime do not undermine the quality of life.

Planning Balance – Appeal A

17. Paragraph 189 of the NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
18. In terms of the NPPF, the harm I have identified to the CA would be less than substantial. Paragraph 202 of the NPPF requires me to weigh this harm against the public benefits of the scheme.
19. The NPPF emphasises the role of the planning system in encouraging businesses to invest, innovate and adapt to changing market needs; the importance of high-quality communications infrastructure on the delivery of sustained economic growth; that the planning system should support such development; and aims to secure high quality and reliable digital infrastructure. However, I must balance this against the acceptability of the character and appearance of the proposal, and I have identified harm in that regard.
20. Taking into account the restrictions required for the unit to not harmfully increase the risk of crime, the hub would provide some free services to the public, including a defibrillator and a rapid connection to emergency services, with the use of solar energy. These would provide a useful function to members of the public and as such are a benefit of this development. However, I am not persuaded that such services could not be provided in a less obtrusive way.
21. The advertisement could be used to promote Council initiatives, public celebrations, to facilitate wayfinding, or to promote Croydon Borough retailers.

However, I am not provided with any mechanism to secure that such public messages would be displayed. Furthermore, I do not have detailed evidence that the existence of this advertising would encourage people to use this retail area. Consequently, any contribution to the vitality of the retail area is limited. As such, any public benefits in this regard are limited.

22. Accordingly, the harm to the CA would not be outweighed by the public benefits of the proposed development.

Conclusion

23. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that Appeal A and Appeal B should be dismissed.

A Berry

INSPECTOR