



Appeal Decision

Site visit made on 21 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/N5090/Z/22/3295689

**Footpath to the east side of High Road (adjacent to 836 High Road),
London N12 9RE**

- 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 of British Telecom PLC against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/4191/ADV, dated 8 July 2021, was refused by notice dated 31 January 2022.
 - 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 the display of the advertisement as applied for. 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 condition:
 - 1) The intensity of the illumination of the displays permitted by this consent shall be no greater than within that recommended by the Institute of Lighting Professionals (for a sign within Zone 3) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).

Preliminary Matters

2. The description of the advertisement in the heading above has been taken from the application form. A different wording has been entered in Part E of the appeal form. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application.
3. The appellant indicates that a separate application was submitted for the host unit, and that this has been refused by the Council and that a separate appeal will be made. However, it is only the matter of advertisement consent which is before me in respect of this appeal. Planning permission is not being considered and would require separate consideration.
4. The appellant's details on the appeal form differ from those given on the application form. I have taken the details from the application form as the right of appeal rests with the original applicant. I have also taken the location of the

development from the application form as this accurately represents the location of the proposal.

Main Issue

5. The main issue is the effect of the appeal proposal on the amenity of the area.

Reasons

6. The appeal site is located within the busy shopping area of High Road, which contains a mixture of retail, commercial and other uses. The site contains a telephone kiosk which would be removed as part of the proposal. The kiosk is of an unkempt appearance and its removal would be of benefit to the area. That said, the kiosk is of a relatively understated appearance within the streetscape although I saw that there was a non-illuminated poster advertisement on one elevation of the kiosk.
7. There are a number of features along the highway, including street signage, lampposts and a nearby bus shelter. The shelter includes advertisement panels of a similar scale to those of the appeal proposal. The buildings within the area also include signage representative of their commercial nature.
8. The proposal would replace the phone kiosk that is located on the site, and I am mindful that the kiosk's removal would be a benefit in respect of visual amenity. The proposed increase in height and projection as well as the introduction of illuminated digital displays would increase the prominence of the proposal in comparison to the phone kiosk. However, given the commercial nature of the area and the features within the streetscape, the increase in size and prominence resulting from the proposal and the introduction of illuminated displays would not be such that it would lead to harm to the visual amenity of the area. The materials used in the proposal would also not be out of character within this varied streetscape.
9. The proposal would be located to the back of a wide footpath close to the flank wall of a supermarket, albeit with some intervening low level landscaping. There are also buildings further along the streetscape which project forward of the appeal site. Given this arrangement the proposal would not appear as an incongruous freestanding structure located beyond the building line. Although there is a degree of clutter from street furniture, this is representative of the nature of this commercial area and the proposal would not exacerbate this to an unacceptable degree, especially having regard to the removal of the kiosk.
10. Reference has been made to a Grade II listed cast iron milestone. However, this is distinctly separate from the appeal site, and there are intervening features including the entrance to the supermarket, a seating area, the bus shelter and cycle racks. On the basis of this relationship, I do not consider that the proposal would harm the setting of this listed building.
11. I therefore conclude that the proposal would not harm the amenity of the area. I have taken account of Policies DM01 and DM18 of the Barnet Development Management Policies 2012 and D8 of the London Plan 2021 which relate to matters of amenity and local character, including telecommunications development in the public realm. I have also had regard to the Council's Design Guidance Note No. 1 Advertising and Signs. Given that I have concluded that the proposal would not harm amenity, I therefore conclude that the proposal would not conflict with these policies and guidance.

Other Matters

12. Reference has been made to the effect of the proposal on public safety, especially given the high number of traffic and pedestrian movements in this area and the proximity of a bus stop and junctions.
13. However, mindful of the location of the existing kiosk, the proposal would be located so that it would not interfere with visibility splays for junctions and would not unduly limit the movement of pedestrians. Even given the illuminated and changing nature of the displays, I do not consider that they would be an unacceptable distraction for highways users in this commercial area. The Council's Highways Officer has also not objected to the proposals, and the Council has not identified public safety as a reason for refusal. Based on what I have seen and read, I conclude that the proposal would not harm public safety.

Conditions

14. The Council's Appeal Questionnaire indicates that it does not consider that any condition other than the five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that express consent as applied for is granted. However, the Council's officer report refers to a number of conditions. Although many of these are addressed by the standard conditions, a further condition regarding luminance levels is appropriate in the interests of amenity. I have amended the wording of the condition to reflect the latest guidance.
15. Conditions regarding the period of consent and specifying the approved plans are not required as these are inherent in the decision or are not necessary regarding express consent for the display of advertisements.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR