



---

## 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/21/3287073**

**Footpath to south side of Golders Green Road (outside No 77-79), London NW11 8EL**

- 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 Telecommunication PLC against the decision of the Council of the London Borough of Barnet.
  - The application Ref 21/4181/ADV, dated 8 July 2021, was refused by notice dated 21 September 2021.
  - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the amended InLink unit.
- 

### Decision

1. The appeal is dismissed.

### 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. I have taken the address of the appeal site from the application form as this accurately represents the location of the proposal
4. The appellant indicates that a separate planning application was submitted for the host unit, and states 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.

### Main Issues

5. The main issues are the effect of the proposal on:
  - The amenity of the area; and
  - Public safety.

## Reasons

### *Amenity*

6. The appeal site is located within the retail area of Golders Green Road. This consists of a gently curving tree-lined streetscape, with a mixture of street furniture. The streetscape is bounded by the attractive and imposing buildings of Cheapside and The Promenade which contain retail and other commercial frontages on the ground floor, with other uses including residential above.
7. 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.
8. The proposal would replace the kiosk, and I am mindful that the kiosk's removal would be a benefit in respect of visual amenity. However, the proposal would be of a greater height and width than the kiosk, and would appear as an incongruous and bulky freestanding structure in views along the streetscape. The introduction of illuminated digital displays would also be a more strident feature in the streetscape compared to the non-descript character of the existing kiosk.
9. There is a mixture of street furniture and other features along the streetscape commensurate with its commercial character. The street trees would also shield the appeal site in medium to longer distance views along the streetscape. However, even within that context, the proposal would appear as a bulky and obtrusive feature. Its location at the edge of the pavement would give it an overly-prominent freestanding position, and this would be exacerbated through the illuminated digital displays which would draw the eye.
10. The appeal proposal would be narrower than the kiosk and as a result would have a smaller footprint. However, this would only be apparent in near-distance views opposite the site, and would not mitigate for the increased prominence of the proposal when approaching along the highway. The modern sleek design would also not be sufficient to overcome the harm arising from the increased scale of the proposal in views along the highway and the more strident appearance of the digital displays.
11. The site is within the Golders Green Town Centre Conservation Area (CA). The CA Character Appraisal and Management Proposals (CAMP) refers to the short period of the development phases of the area, which contributes considerably to its architectural and planning cohesion. The buildings of Cheapside and The Promenade which frame the streetscape are Grade II Listed, and the Listing descriptions emphasise the notable character of these parades. These are all considerations which contribute to the significance of these designated heritage assets. Given my observations on the visual impact of the proposal I conclude that it would fail to preserve or enhance the character and appearance of the CA. Indeed, I note that the CAMP refers to the siting of large, free-standing advertisement panels within the pavements which detract from the special character and appearance of the CA. The proposal would also harm the setting of the listed buildings, which is relevant to the consideration of amenity.
12. Drawing the above together, on balance I conclude that the proposal would result in an incongruous and overly prominent feature within the streetscape,

with result harm to the amenity of the area, including in respect of designated heritage assets.

13. I have taken account of Policies DM01, DM06 and DM18 of the Barnet Development Management Policies 2012 (the DMP) and D1, D4, D8 and HC1 of the London Plan 2021 which relate to matters of amenity and local character, including heritage assets and telecommunications development in the public realm. The National Planning Policy Framework also addresses conserving and enhancing the historic environment. 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 harm amenity, I therefore conclude that the proposal would conflict with these policies and guidance.
14. I find no conflict with Policy D5 of the London Plan on this issue, as this policy relates to inclusive design. However, this does not negate my conclusions on the issue of amenity.

#### *Public Safety*

15. The appeal site is located within a busy town centre area. I saw that there are a high number of pedestrian movements along the pavement, as well as a high number of vehicle traffic movements through the area, although I observed that traffic speeds were relatively low. There is also on-street parking adjacent to the pavement, with associated vehicle manoeuvres.
16. The pavement along much of the road is relatively wide. However, the appeal site is located at a pinch-point, where a shop display area projecting beyond the building line and the extent of the telephone kiosk significantly narrow the footway. I observed that this pinch-point creates some conflict between passing pedestrians, which would be further exacerbated for those with mobility problems, sight loss, or pushing prams. This conflict would also be likely to result in pedestrian flows being diverted onto the roadway, with increased potential for collisions between pedestrians and vehicles, including vehicle manoeuvres associated with the on-street parking.
17. The submitted plans indicate that the proposal would be wider than the telephone kiosk, albeit to a limited degree. Although the reduction in the width of the footway may be relatively limited, it would not be sensible to further reduce the width of the pavement where this would appear to be inadequate in its current layout.
18. The appellant refers to various standards for pavement widths, including 2000mm based on both Manual for Streets 2007 and Inclusive Mobility 2002. I consider that that represents an acceptable minimum width of pavement given the number of pedestrian movements along this shopping street. However, based on the evidence before me, the proposal would not provide this width of pavement between the appeal site and the shop display area, and the appellant has provided no evidence to demonstrate otherwise.
19. The appellant refers to lesser widths of pavement, but given the nature of pedestrian and traffic movements in this area I do not consider that these are appropriate in this instance.
20. I therefore conclude that the proposal would not provide a suitable width of pavement, with resultant conflict between pedestrians, particularly those with disabilities or visual impairments, as well as potential collisions between

vehicles and pedestrians deflected onto the highway. The proposal would therefore harm public safety. Policy DM17 of the DMP considers the effect of proposals on the safety of road users, including vulnerable users, and given my conclusion on public safety the proposal would conflict with that policy.

### **Other Matters**

21. Planning permission and advertisement consent have previously been approved for an InLink structure and two digital screens on the appeal site<sup>1</sup>. I have been provided with copies of these decisions and associated plans. However, although the advertisement consent is still extant, based on the evidence before me the planning permission for the structure has expired. There is no certainty that a further planning permission would be issued should the current appeal be dismissed, and on that basis I give these previous approvals as a whole very limited weight as a fallback position.
22. Furthermore, the previously approved InLink structure had a slimmer design and smaller footprint than the appeal proposal, and was therefore not a direct parallel to the appeal before me in respect of both amenity and public safety. Given the effects of the appeal proposal, I consider this is greater than a non-material amendment as contended by the appellant. The previous approvals do not therefore lead me to a different conclusion in respect of the current appeal.
23. The appellant refers to the social and economic benefits of the proposal, including the provision of ultra-fast Wi-Fi which would be supported by advertising revenue, as well as local and national policy on matters including telecommunications. However, advertisements are subject to control only in the interests of amenity and public safety, and therefore the benefits referred to cannot be taken into account in my decision. Accordingly, I attach minimal weight to these matters in determining the appeal.
24. I have had regard to the appeal decisions referred to by the appellant, although it has not been demonstrated that they closely reflect the context of the appeal proposal. They do not therefore lead me to a different conclusion on the impact of the appeal proposal based on what I have seen and read. In any event, I have determined this appeal on its own merits.

### **Conclusion**

25. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR

---

<sup>1</sup> Refs 19/2302/FUL and 19/2303/ADV. Both Granted on 13 June 2019.