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## Appeal Decisions

Site visit made on 22 November 2022

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

**an Inspector appointed by the Secretary of State**

**Decision date: 3 May 2023**

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### **Appeal 'A' Ref: APP/L5240/W/21/3285291**

#### **Outside Green Dragon House, 64 High Street, Croydon CR0 9XN**

- 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 21/03224/FUL, dated 28 May 2021, was refused by notice dated 16 September 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/21/3285293**

#### **Outside Green Dragon House, 64 High Street, Croydon CR0 9XN**

- 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 21/03225/ADV, dated 28 May 2021, was refused by notice dated 16 September 2021.
  - The advertisements proposed are 2no. digital 75-inch LCD display screens, one on each side of the street hub unit.
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## **Decisions**

*Appeal 'A' Ref: APP/L5240/W/21/3285291*

1. The appeal is dismissed.

*Appeal 'B' Ref: APP/L5240/H/21/3285293*

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 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
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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 busy section of the High Street, close to the centre of Croydon, beside a secondary retail frontage, a short walk from the pedestrianised shopping street. Buildings of different shapes and sizes and from different eras enclose this section. Their ground floors include shops, cafés, or access to the floors above, which activate the public realm.
7. I appreciate that the commercial nature of this section of the street is characterised by advertisements and signs. They are prolific. They are on the fascias of the shops, on hanging signs, in window signs, as well as on A-boards, flags and freestanding signs for the shops. There are large fly-posters on the flank of the building at 62 High Street, a few metres from the site of this proposal, and hanging banners suspended from lighting columns. The existing BT payphone kiosk has advertisement space on its rear, as does the New World phone box. There is even space for signs or advertisements on the bin.
8. There is also a range of street furniture in this short section of the broad part of the High Street footway, including bike stands, a bus stop flag, traffic and parking signs, and in the road, prominent road markings for the zebra crossing, the bus stop and the demarcation of road traffic lanes by lines and bollards.
9. In this context, the addition of yet another item of street furniture, particularly at such proximity to the existing BT payphone kiosk, indicated on the site plan as a green cabinet, and the proliferation of even more advertisements in this short section which already appears almost saturated with signs and advertisements, would give this short section of the street an extremely cluttered appearance, and one dominated by advertising, at the expense of the attractiveness of the public realm. This would undermine the spatial order and the appearance of the whole street which is part of what makes it an attractive High Street.
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. In the middle of a weekday morning I saw that this section was busy with people shopping or getting on and off buses at the bus stop very close, downstream, of the proposed street hub, or crossing the street by the zebra-crossing a few metres away, upstream. This section of the High Street has a relatively broad footway, but the shops which enclose it on this side are busy with customers coming in and out.
13. The proposed street hub would stand very close to an existing BT payphone kiosk, which has not been shown on the drawings. Its proximity would create an unpleasantly over-enclosed pinch-point, especially for people trying to cross the street to or from here. Together with the New World phone box a few metres away, bike stands, a signpost and a large bin, all in this section, and taking into account the height and breadth of the proposed street hub, the proposal would overload the footway with street furniture severely impairing free movement across the street and to a lesser degree, along it.
14. The proposal would significantly undermine the movement function of the public realm as well as its function as a place. It would diminish very considerably the mutually supportive relationship between the use of the buildings enclosing the street and the space on the footway in front of them, which is important to the vibrancy of the public realm here. It would conflict with LP policy D8, and with CLP policy SP4 which require development to contribute positively to the public realm, to provide for its movement and place functions, and which require consideration to be given to street furniture complementing the use and function of the street space.

#### *Highway safety*

15. The road layout has been altered to incorporate what appeared to me as a single lane of vehicles moving in one direction on this side of the street, with two cycle lanes on the opposite side, moving in opposite directions to each other. To cross the street safely in this contraflow arrangement, particularly in the section by this proposal, demands a great deal of concentration.
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 guidance<sup>1</sup> of Transport for London. It would be sited sufficiently distant from the pedestrian crossing to avoid advertisements distracting drivers as they approach or move through.

17. Notwithstanding this, the effect of its siting so close to the existing BT phone kiosk, would reduce the visibility of traffic in this section for pedestrians crossing the street from this section to the opposite side to a dangerous degree, particularly here, where the road widens to allow traffic to pass a bus waiting at the bus stop. I appreciate that there are formal crossing points nearby. However, I saw that people also crossed the street where it was convenient to them, between the crossings.
18. Moreover, there is a proliferation of signage or advertising in this section, as already described. In this context, and in the light of the concentration and focus needed to cross this road with its unusual contraflow, I fear that the attention of people crossing the street would be so over-stimulated by visual information from yet further advertisements that there would be a significant risk of their distraction from the task.
19. I conclude on this issue that there would be a very significant risk to highway safety from the proposal, placing it in conflict with LP policy T4 and CLP policy DM29 which protect the safety of people using roads and footways, and with the National Planning Policy Framework<sup>2</sup> (the Framework) which indicates that development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

#### *Crime safety*

20. The combined effect of the proximity of the proposed street hub to the existing BT phone kiosk, together with their height and width, would make a blind spot in the footway. Given the consultation response from the Metropolitan Police describing a severe crime risk in this street, this siting would increase the risk of crime and anti-social behaviour. While a planning condition to secure the Management Plan would help reduce the risk of the street hub being used for crime, it would not mitigate the potential harm to safety from its siting.
21. I conclude on this issue that there would be an unacceptable risk to crime safety from the proposal. The development would conflict with LP policy D3 where it requires development to achieve safe and secure environments and the sub-text of which describes how the opportunities for anti-social behaviour and criminal activities should be reduced, as well as LP policy D8 which requires development proposals to ensure the public realm is safe. It would also run against the 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.

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

<sup>2</sup> National Planning Policy Framework, para 112

### **Other matters**

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 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 note the intention to remove phone boxes, on the corner of Lower Addiscombe Road and Morland Road, and opposite 53 Morland Road. There is no objection from the Council to this, and I have no reason to disagree with it. While the disposal of these phone boxes, which display advertisements, may be considered a benefit to the public realm, their relatively innocuous location in a residential area, alongside a landscaped area in the former case and beside a bus stop and small park in the case of the latter, limits the weight I can attribute their removal against this proposal. I can identify no benefits from their removal, which would mitigate or outweigh the harms which would arise from this proposal.
24. I have considered the appeal decisions<sup>3</sup> letter referred to by the appellant. However, while I do not have the details of that proposal, it appears to concern a pedestrianised street rather than a heavily trafficked classified road with an unusual contra-flow as in this case. The Inspector also found that there would be an improvement in circulation. Without details of that proposal, including any similarity to the apparatus and siting in this case, it is not possible to draw any parallel.

### **Conclusion**

25. The proposal would harm the appearance and visual amenity of the area. Its siting would significantly undermine the movement function of the public realm as well as its function as a place. It would introduce an unacceptable risk to crime safety, as well as a very significant risk to highway safety. And, it would be contrary to the development plan when read as a whole.
26. Set against this, the street hub, which would replace two phone boxes, would provide free, ultrafast public and encrypted Wi-Fi, free phone calls, wayfinding, device charging, an emergency 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.
27. However, all the benefits advanced by the appellant do not outweigh the harm identified above. For the reasons given above, and taking into account all matters raised, the appeals are dismissed.

*Patrick Whelan*

INSPECTOR

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<sup>3</sup> Appeal refs: APP/Z4310/W/18/3205104 & App/Z4310/W/18/3205102