



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

Appeal 'A' Ref: APP/L5240/W/21/3286776

Outside The Gym Group, 6 Suffolk House, George Street, Croydon CR0 1PE

- 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 21/03212/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/21/3286777

Outside The Gym Group, 6 Suffolk House, George Street, Croydon CR0 1PE

- 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 21/03213/ADV, dated 28 May 2021, was refused by notice dated 22 October 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/21/3286776

1. The appeal is dismissed.

Appeal 'B' Ref: APP/L5240/H/21/3286777

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. Reflecting its position in a Primary Shopping Area, George Street has a busy commercial character. The predominantly C20 buildings which enclose this part of the street share a clean, modernist aesthetic, yet in view are older buildings which form smart parades further along, in both directions. The buildings are activated by a range of ground floor uses including shops, restaurants, a bank and a gym. Reinforcing its attractive character, the street has a pleasing and interesting variety in the scale, detailing and materials of the buildings which enclose it.
7. The telephone boxes proposed for removal, on the corner of this street, are metal and plastic, dome-topped BT models. Their design and materials give them more of a corporate, universal identity than lending them any affinity with the attractive townscape of the buildings which surround them. Their removal would not harm the townscape of the street or the attractiveness of the public realm.
8. I acknowledge that the street hub would be taller than the phone boxes which it would replace. However, it would be narrower and less broad. It would have more slender proportions, a plainer form, more streamlined detailing, and a restrained, dark monotone colour, giving it a more neutral, background character in the street than the more corporately identified phone box. It would appear less bulky and less conspicuous than the phone boxes it would replace.
9. I recognise that the existing advertisements attached to the phone boxes 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. Further, many of the surfaces of the phone boxes are covered in graffiti or fly posters. These, together with the remnants of graffiti on the remaining parts of clear panels diminish their visual permeability.
10. At the time of my site visit one of the phone boxes was being used as a toilet. Removing the potential for anti-social use inside the phone boxes which I

encountered, as well as their forlorn appearance, would enhance the character of this section of the street. In my view, the street hub which would replace the phone boxes, including its advertisement panels, would improve the visual and townscape qualities of the street scene. Given the already bustling, commercial nature of this section of the street, the proposal would not undermine its character as a place to live in, work in, or visit.

11. This section of the street is characterised by the shops and restaurants which advertise themselves with fascia signs, projecting signs, and window displays. 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. I have had regard to the risk of harm from the cumulative effect of similar installations in the area, including on the opposite side of this street. However, given the substantial spacing between the street hubs, as well as their distance from other advertisements and signs, I can identify no such risk.
13. Given that the existing phone boxes 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 convenient and inclusive pedestrian routes and requires 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 the public realm and townscape.

Pedestrian movement

14. This part of the street accommodates two lanes of traffic, two tram lines, a separating island, and two footways. The footway on this side, in front of Suffolk House, is comparatively narrow, and relatively clear of furniture, save for lamp columns, three bike stands by the gym, and the pair of phone boxes for removal.
15. In the middle of a weekday morning I saw at my visit that the footways in this section were busy with people stepping in and out of the shops and restaurants, passing along the street, going to or from the college, or crossing the street to catch trams, buses or trains further along it.
16. Given the status of the street in a Primary Shopping Area, the intensity of the activity in this section, and the generally narrow shop frontages, each with an entrance from the footway, the reduction of clear width of the footway beside the street hub would have an obstructive effect on the footway. It would compromise the ability for people to pass each other comfortably around it.
17. While the siting of the street hub would not prevent people from passing along the footway, it would significantly hinder free movement along it. Its siting would compel people, especially those travelling in company or pushing prams or wheelchairs, to pause or to consider how best to pass around it. Simply, it would get in the way.

18. I did not see the cylindrical, advertising column to which the appellant refers. In any event, the footway beside No 96 broadens into a square. I have taken into account the pair of phone boxes to be removed which stand in the same section of the street; their combined length; their position next to an extremely busy corner; and, their overall footprint, which is greater than this proposal. However, it appears to me that the constricting effect of the street hub on the clear passage of footway, which is already relatively narrow, and busy, would be greater than the phone boxes. The disposal of the phone boxes would not, therefore, mitigate the effect of the street hub on the clear passage of the footway.
19. 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.
20. 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

21. The street hub would be orientated to face oncoming drivers and sited close to the kerb of the footway, in the drivers' eye lines, which would reduce the risk of drivers turning away from the road to look at the advertisements, in accordance with the guidance¹ of Transport for London.
22. 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 are so complicated, nor that driving conditions are so demanding, that the proposal would present an unacceptable highway safety risk.
23. 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.

Crime safety

24. I acknowledge the consultation response from the Metropolitan Police describing a severe crime risk in George Street, and their recommending the suspension of the function of free phone calls, free Wi-Fi and free phone charging. However, the Council has not recommended any such condition.
25. In these circumstances, and noting the provisions of the BT Street Hub Anti-social Behaviour Management Plan, which provides for call restrictions, the disabling of the USB port and, alongside its algorithm, the priority assigned to contact from the police, a planning condition could reduce the risk of the BT street hub being used for crime to an acceptable degree.

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

26. I conclude on this issue that, subject to a condition to secure the management plan, there would be no unacceptable risk to crime safety from the proposal. There would be no conflict with LP policy D3 which requires development to achieve safe and secure environments and the sub-text of which describes how measures to design out crime should be integral to development and how the opportunities for anti-social behaviour, criminal activities and terrorism should be reduced. Nor would the proposal run against the National Planning Policy 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.

Other matters

27. 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.
28. I have considered the appeal decisions² 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 busy footway alongside a road and a tramway. 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.
29. I appreciate that there is a view from this street towards Seifert's 'threepenny bit' building, protected by CLP policy SP4. Given the height and proximity of the Tower, the relative height of the street hub, and the length and breadth of the remainder of the street which holds the view, I could not identify any material harm to any view of it, neither as a block nor as a distraction, nor any reduction in the ability to appreciate its architectural intricacy and its distinctive contribution to the skyline and townscape of Croydon.

Conclusion

30. The proposal would not harm the character, appearance and visual amenity of the area, including the surrounding townscape and public realm. It would not introduce an unacceptable risk to crime safety, and no material risk to highway safety.
31. Notwithstanding this, it would significantly undermine the movement function of the public realm as well as its function as a place. It would be contrary to the development plan when read as a whole. 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

² Appeal refs: APP/Z4310/W/18/3205104 & App/Z4310/W/18/3205102

technologies on the streets such as air quality, noise and traffic monitoring. It would also be powered by renewable energy.

32. However, all the benefits advanced by the appellant do not outweigh the harm to the movement function of the public realm and its function as a place. For the reasons given above, and taking into account all matters raised, the appeals are dismissed.

Patrick Whelan

INSPECTOR