
Appeal Decision

Site visit made on 26 April 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6 June 2023

Appeal A Ref: APP/Q5300/W/22/3308895

Pavement outside 10 Ashfield Parade, Enfield, N14 5AB

- 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 Thomas Johnston (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02524/FUL dated 18 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is the installation of a multi-functional Communication Hub.
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Appeal B Ref: APP/Q5300/H/22/3308897

Pavement outside 10 Ashfield Parade, Enfield, N14 5AB

- 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 Thomas Johnston (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02525/ADV dated 18 July 2022, was refused by notice dated 15 September 2022.
 - The advertisement proposed is the installation of a static illuminated content LCD portrait screen to community hub.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the communications hub and advertisement are linked, I have dealt with them together to avoid duplication. For both appeals, I have taken the descriptions of development from the Decision Notices as these are more accurate than the descriptions provided on the Application Forms.
4. I have been mindful of the duties set out in Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, when determining proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In advertisement appeals this is only insofar as it relates to amenity.
5. In respect of Appeal A, I have been mindful of the duties set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, with respect to a listed building or its setting, special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.

Main Issue

7. The main issue is the effect of the proposals on the character and appearance and visual amenity of the area, having regard to conservation area and the settings of nearby listed buildings.

Reasons

8. The site is a section of pavement on Ashfield Parade in the Southgate Circus Conservation Area (the CA). The immediate section of the CA is most notably defined by the 1930s style Grade II* Listed Southgate Station and the adjacent shopping parades and streets, including the Grade II Listed 1-8 Station Parade. While the area is commercial with a variety of modern street level facades, upper floors are largely reflective of the 1930s architecture of the station, lending a predominantly traditional feel to this part of the CA. As an example of one such street, Ashfield Parade contributes positively to the area.
9. The pavement of Ashfield Parade is wide and uncluttered, with street furniture largely sited at the footpath edge and of simple design. This includes the current telephone kiosk at the site which, although not traditional in appearance, has a glazed nature that renders it a subtle addition to the street, ensuring it does not detract from the surrounding character. The proposed communications hub would replace the existing kiosk. It would incorporate a telephone, defibrillator, solar panel and illuminated touch screen on one side and an illuminated advertisement panel showing a series of static images on the other.
10. The hub would be narrow in depth and, compared to the three-sided design of the current kiosk, would retain a greater useable area of the footpath. Nevertheless it would be an imposing addition, appearing overtly modern in design. Compared to the existing glazed kiosk and subtle street furniture, the hub would appear bulky and block like, with added visual prominence due to the advertisement panel. This advertisement would fail to reflect surrounding signage by introducing a sizeable element of illumination and image series that would be incongruous.
11. Even acknowledging the height of surrounding buildings, the proposals create a dominant feature. It would have a striking contemporary appearance that, even alongside the street level shop frontages, would fail to respect the overarching traditional nature of the road, appearing visually disruptive. Conditions have been suggested relating to the rate and form of image change and illumination levels, but the overtly modern nature of the proposal and advertisement would remain, such that these would not address the harm to the visual amenity of the area.
12. In certain views from the southwest, the hub and advertisement panel would be visible against the backdrop of the Grade II Listed 1-8 Station Parade and in wider views from the northeast, the hub would be visible in views of both the Grade II* Listed Southgate Station and the Grade II Listed 1-8 Station Parade. It would therefore be within the settings of the listed buildings. The prominent visual effect of

this modern development, including the illumination of both the touch screen and the advertisement panel with its static, changing images, would visually compete with these listed buildings, harming their setting and detracting from their significance. Given the importance of the listed buildings to the general character of the area and this part of the CA, this would be harmful to visual amenity.

13. For the reasons given, the proposal would have an adverse effect on the CA's historic character, and significance, including the setting of the Grade II* Listed Southgate Station and the Grade II Listed 1-8 Station Parade, failing to preserve the setting of the listed assets or the character or appearance of the CA. This effect would be localised, and the harm caused as a whole would be less than substantial. Nevertheless, with regard to Appeal A, in accordance with paragraph 202 of the Framework, this needs to be weighed against the public benefits of the proposal.
14. The proposal would provide a range of services, including wifi, device charging, messaging facilities, free calls to landlines and charities, wayfinding and a defibrillator, contributing towards a 'smart city'. It would be powered by renewable energy, would generate minimal waste and would include features to prevent crime and antisocial behaviour. It would provide a platform for other technologies such as environmental conditions, CCTV and key data, and could support businesses and the vitality of the area. However, even acknowledging the support in the Framework for high quality communications, these public benefits would be modest. They would fail to outweigh the less than substantial harm to the heritage assets, which would not have a clear and convincing justification, as required by the Framework.
15. With regard to Appeal A, for the reasons given the hub would have a significant adverse effect on the character and appearance of the area. It would fail to preserve the character or appearance of the CA or the setting of the listed buildings. As such, it would fail to comply with Policies D8 and HC1 of the London Plan (2021), Policies CP30 and CP31 of the Enfield Core Strategy (2010), Policies DMD37, DMD41 and DMD44 of the Enfield Development Management Document (2014) and the provisions of the National Planning Policy Framework insofar as they seek to ensure good design that is related to local context and conserves the significance of heritage assets and their settings.
16. With regard to Appeal B, for the reasons given, the advertisement would unduly harm the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would fail to comply with those policies referred to above in this respect

Other Matters

17. It has been highlighted that the proposal would not interfere with highway safety. This represents a lack of harm that is neutral in the overall planning balance.

Conclusion

18. For the reasons given above, both Appeal A and Appeal B are dismissed.

C Rafferty

INSPECTOR