
Appeal Decision

Site visit made on 26 May 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023.

Appeal A Ref: APP/L5240/W/22/3307336

Pavement outside 2-26 North End, Croydon CR9 1SX

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02769/FUL, dated 30 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the installation of a multifunction Hub unit featuring an integral advertisement display and defibrillator.
-

Appeal B Ref: APP/L5240/H/22/3307337

Pavement outside 2-26 North End, Croydon CR9 1SX

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02770/ADV, dated 30 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the installation of a multifunction Hub unit featuring an integral advertisement display and defibrillator.
-

Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. The appeals relate to the same site and the same proposed development, namely a hub unit upon which, amongst other things, an advertisement would be displayed. To avoid repetition, I have dealt with the 2 appeals in a single decision letter.
3. In relation to Appeal B, the Council's reasons for refusal refer to the National Planning Policy Framework (the Framework) and development plan policies. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the Framework and development plan policies into account, they have not been a decisive consideration in my determination of that appeal.

Main Issues

4. The main issues in respect of Appeal A are the effects of the proposed development on the character and appearance of the public realm and the surrounding area; whether it would preserve or enhance the character or appearance of the Central Croydon Conservation Area; and its effect on highway and pedestrian safety.
5. The main issues in respect of Appeal B are the effects of the proposed advertisement on the visual amenity of the area and on highway safety.

Reasons

Character, Appearance and Visual Amenity

6. The appeal site is located within the Central Croydon Conservation Area (CA) therefore I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. With regard to Appeal B, this is relevant in so far as it relates to the consideration of visual amenity.
7. The CA forms the commercial and civic heart of Croydon and generally retains the historic street layout together with some historic and architecturally significant buildings, such as the Grade I Listed Holy Trinity, which is a short distance from the appeal site. North End comprises a busy pedestrianised shopping street, comprising a varied mix of commercial building styles and ages with active ground floor uses. The street forms a pleasant pedestrian-friendly environment with clusters of seating arranged under mature trees and space provided for the high level of footfall that occurs in the street during busy periods of the day. The public realm in North Street makes a positive contribution to the character and appearance of the CA, a matter to which I attach significant weight.
8. The proposal would comprise the installation of a multifunction Hub unit with an integral advertisement display and defibrillator within the pedestrianised area in front of 2-26 North End. This largely metal structure would be sited so that its long sides would face up and down the street: the advertisements would be on the southern side and the northern side would contain a touch screen, telephone and a defibrillator beneath a small canopy.
9. Due to its siting, size and design the proposal would detract from the generally uncluttered character of the street and would be an obtrusive and incongruous element. As such, in respect of Appeal A, the proposal would have an unacceptable effect on the appearance of the street scene and would fail to preserve the character or appearance of the CA. For these reasons it fails to accord with Policies DM18 and SP4 of the Croydon Local Plan (2018) (CLP) and Policies HC1 and D3 of the London Plan (2021) (LP) that, amongst other things, seek to preserve and enhance heritage assets, and respect and enhance Croydon's varied character. There is also conflict with the aims of the National Planning Policy Framework (2021) and the Croydon Public Realm Design Guide (2019) which seeks to discourage advertising on footways within high footfall areas and in Conservation Areas.
10. Whilst the proposal would fail to preserve the character and appearance of the CA, the harm to this heritage asset would be less than substantial. In these

circumstances Paragraph 202 of the Framework requires me to weigh the harm against the public benefits of the proposal. I recognise it is intended that the proposed Hub would provide a range of free services to the public, including a defibrillator, Wi-Fi, phone calls, device charging and a rapid connection to emergency services. I also note that the advertisement screen could be used to promote Council initiatives, public celebrations and facilitate wayfinding. However, it is not clear how these potential public benefits could be secured or maintained in the long term given the Hub would need to secure a financial return and circumstances inevitably change. As such the public benefits in this regard are potentially limited and not sufficient to outweigh the clear harm identified above.

11. In respect of Appeal B, it follows from the above that the proposed advertisement display would have an unacceptable effect on visual amenity.

Highway and Pedestrian Safety

12. North End is a very busy pedestrianised commercial street with a very high footfall. It includes a number of disused telephone kiosks and seating sited in clusters close to mature trees. These elements do not appear to hinder the free movement of pedestrians or service vehicles. The proposal would be sited away from these clusters in a relatively open and uncluttered part of the street. Although it would create an extra obstacle, and therefore result in some inconvenience to pedestrians, the effect on pedestrian safety would be small as the limited number of vehicles that are permitted to use the street, such as street-cleaning, delivery and emergency vehicles and cycles, should do so at slow speeds.

Conclusions

13. For the reasons set out under the first main issue, and having regard to all other matters raised, I conclude that appeal A and B should fail.

S Poole

INSPECTOR