



Appeal Decision

Site visit made on 8 August 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

Decision date: 31st August 2023

Appeal A Ref: APP/H5960/W/22/3307871

Telephone Box outside of 111 St. Johns Hill, London SW11 1SF

(Easting (x) 526930; Northing (y) 175158)

- 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 Ms Bella Noakes (British Telecom Plc) against the decision by the London Borough of Wandsworth.
- The application, ref. 2021/5826, dated 9 December 2021, was refused by notice dated 4 August 2022.
- The development proposed is described as the removal of existing BT phone box and installation of a proposed replacement BT street hub and associated display of advertisement to both sides of the unit.

Appeal B Ref: APP/H5960/Z/22/3307873

Telephone Box outside of 111 St. Johns Hill, London SW11 1SF

(Easting (x) 526930; Northing (y) 175158)

- 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 (British Telecom Plc) against the decision by the London Borough of Wandsworth.
- The application Ref 2021/5834, dated 9 December 2021, was refused by notice dated 4 August 2022.
- The advertisements proposed are two digital 75 inch LCD display screens, one on each side of the Street Hub unit.

Decision

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters

3. This decision deals with two planning appeals, Appeal A is made under s78 of the Town and Country Planning Act 1990, and Appeal B is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Whilst each of the appeals are to be considered individually under these processes, as the cases are for the same site, and are interrelated in their nature and considerations; to avoid repetition and for the avoidance of doubt, I have dealt with each of the appeals within this single letter.
4. I have taken the address of both appeals as the telephone box located outside 111 St Johns Hill which is the address given by the Council on the Decision

Notice. This more accurately reflects the location of the scheme whereby the application form states that the location is at the junction of St Johns Hill and Sangora Road.

5. It is noted that the Reasons for Refusal in both of the appeals from the Council's Decision Notice cited Policies DMS1, DMS8 and DMS 9 of the Wandsworth Development Management Policies 2016 (DMPD). During the appeal process, the Wandsworth Local Plan (LP) has been examined, and then was adopted by the Council on 19 July 2023 which supersedes the policies of the DMPD. The reasons for refusal in both appeals also state the 'publication version' policies of the Local Plan, which are now fully adopted and carry full weight. I have therefore only referred to the adopted policies of the LP in this decision.

Main Issue

6. The main issue for Appeal A is the effect of the proposed development upon the character and appearance of the area; and
7. The main Issue for Appeal B is the effect of the proposed advertisements upon the amenity and public safety of the area.

Reasons

Policy and Legislation

8. For Appeal B I am required by the Regulations¹ to exercise my power in the interests of amenity and public safety. Factors relating to public safety include considerations around road users such as vehicles and pedestrians; and whether there is suitable sight lines, and whether there is sufficient access with regards to the free flow of pedestrians, amongst others. Factors relating to amenity include aural and visual amenity and consider aspects such as the general characteristics of the locality, including the presence of any features of historic, architectural, and/or cultural interest. This is reflected by paragraph 136 of the National Planning Policy Framework (the Framework) and National Planning Practice Guidance (NPPG).² Matters are interrelated in the context of visual amenity and character and appearance, I have therefore dealt with them together.
9. In terms of regional policy, the London Plan Policies D3 and D8 are design related policies which seeks that development promote a design-led approach to spaces and improving the public realm. Policy T2 of the London Plan seeks that development promote health streets, whereby development should increase walking, accessibility, improve street space and comfort, amongst others.
10. In terms of local planning policy, LP Policy LP1 sets a number of design principles such as ensuring a design-led approach where new development ensures a high level of physical integration with their surroundings; ensure that scale and massing contributes to local spatial character, does not harm the amenity of occupiers and users; and is sympathetic to local characteristics, amongst others.

¹ The Town and Country Planning (Control of Advertisements)(England) Regulations 2007

² Paragraph: 079 Reference ID: 18b-079-20140306 Revision date: 06 03 2014

11. LP Policy LP9 is specific to advertisements and seeks that advertisements be of high quality; well integrated to their context; respect local context, particularly in relation to Cas; avoid material harm from light pollution and excessive illumination; avoid harm to public and highway safety, and in relation to repurposing phone boxes, for predominantly advertisement use will not be acceptable, particularly in CAs.
12. LP Policy LP22 seeks to provide improvements in infrastructure and digital connectivity, and seeks that provision of the development is required to support need; does not have a significant impact upon the character and appearance of space where equipment will be located, an over-accumulation of street clutter, the significance, appearance, character and setting of heritage assets, all options for sharing existing equipment have been explored; schemes are appropriately designed, minimising size and scale and camouflaging appearance; amongst others. LP Policy LP49 seeks a number of considerations to ensure that developments are people focussed, such as ensuring the public realm is improved in terms of quality and resilience, promotion of accessibility, active use of streets and public spaces is increased.
13. Whilst the appeal site is not located within the boundary of a Conservation Area (CA), paragraph 195 of the Framework seeks decisions regarding development to assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). The site is within close proximity to the boundary of the St. John's Hill CA and as such, an assessment of whether the appeal scheme would affect the significance of the CA via development within its setting will need to be made.

Site Description

14. The appeal site is situated along the footpath close to the junction of St. Johns Hill and Sangora Road. The appeal site is occupied by a phone box that is proposed to be replaced, which is situated on the footpath, but closer to the road than the buildings which align St. John's Hill. From No's 97 – 109B St. Johns Hill, there is a reasonably wide footpath, with an area for parallel parking. The footpath then becomes wider in front of No.111 as the parallel parking bays end as the footpath gets closer to the intersection with Sangora Road. At this wider element of the footpath in front of 111 St. Johns Hill there is a phone box, a rubbish bin, bollards, a parking pay point and poles for traffic and directional signage.
15. The area is characterised by a commercial high street. Development along this side of St. John's Hill is three storeys tall with shopfront at ground floor level and two storeys above. Buildings are of cream brick construction with brick soldier coursing and with decorative corbelling to the eaves and large chimney stacks. Many of the ground floors have timber shopfronts with minimal signage and illumination. Much of the illumination of the street is from the street lighting. A number of large mature street trees are located along the footpath edge, with greenery also being provided by the hedgerow located opposite which adjoins the front boundary of a residential apartment development. There appears to have been an effort to tidy up the public realm in this location with installed paving slabs, and parallel parking bays laid out to formalise parking areas.
16. The St. Johns Hill Grove CA boundary is located at the corner of Plough Terrace and St. John's Hill. The CA Appraisal notes that views in and out of the CA

along St. John's Hill towards Clapham Junction over the appeal site is particularly important to the special interest of the CA. Whilst the appeal site is outside of the CA, there is a similar experience and feeling of the street scene environment with the CA having similar 3 storey terraced buildings with shopfronts to the ground floor, with positive aspects of the CA being the traditional character of the shopfronts, and street environment which is lined by trees, with minimal clutter and illumination. Negative aspects of the area include the placement of bollards, street clutter and illumination from advertisement signs, such as from the bus stop opposite the appeal site which can be experienced from views within the CA. Given that the appeal site can be experienced from the CA along a key view along St. John's Hill, the appeal site would be within the setting of the CA.

Considerations

17. The current phone box is of typical design that appears to be of late twentieth century in origin. The phone box is of metal construction with glass and metal infills, some of which have been fly posted with advertisements. It is understood from the appeal documents that there is currently a scheme to remove phone boxes and replace them with street hubs which whilst narrower than a phone box and would have a footprint of 0.38m² less than a phone box, they would be 0.47m taller and 0.34 metres wider than the phone box in situ. The proposed Street Hubs provide ultra-fast wifi, free public calls, public information, environmental monitoring and linkage to emergency services, amongst others. The Street Hub would also incorporate illuminated digital advertisement screens on both sides that have 75 inch LCD screens which are stated as being needed to ensure the financial viability of the installation.
18. Whilst I agree that the removal of the existing telephone box would be a positive benefit in that it reduces visual clutter, the clutter is not significantly reduced as the telephone box is to be replaced by a street hub. Whilst I appreciate that the Street Hub is slimmer, the width and height of the Street Hub would reduce any significant benefit to clutter of the street as caused by the installation. I disagree with the appellant's appeal statement that the Street Hub is 'innovative or modern' in terms of its design, it is a simple rectangular structure with a large illuminated advertisement to the centre. It is not clear that there has been any attempt to design a scheme that would embrace the qualities of local distinctiveness or character that would enable the scheme to fit within its context. As such the structure as a result of its size and massing, would be an incongruous installation that would be detrimental to the character and appearance of the locality and would clutter the street scene.
19. Given previous comments regarding the character of the street where there is limited illumination provided by street lighting and lighting above shopfronts, the scheme would introduce a large amount of illumination to the street scene which would not be appropriate in this context. Whilst I appreciate that there is a bus stop opposite with an illuminated advertisement sign, the installation of further illuminated advertisements would increase clutter, rather than maintain or reduce it. Whilst I appreciate that the existing phone box has fly posting, the proposed advertisement would not be similar to what currently exists, albeit the flyposting of advertisements is not the same as a permanent advertisement that is illuminated.

20. The Street Hub would also be very visible from views in and out of the CA, and this would in turn affect the experience of the CA from development within its setting. Currently within the CA illumination is low and whilst the illuminated sign from the bus stop can be experienced from the CA, the addition of the proposal would further detract from the positive character of the CA.
21. Additionally LP Policies LP9 and LP22 seek to understand the need for infrastructure and advertisements. Whilst it is understood that the Street Hub seeks to improve connectivity and infrastructure, the appeal documents are quite general in justifying whether a need for such improvements in communication infrastructure exists in this particular location. It is therefore unclear whether the scheme is just part of a larger blanket approach to replacing phone boxes with street hubs, or whether there is an inherent need in this location to improve access to communications. Additionally, it is also unclear of the need for the advertisement and why it needs to be illuminated. The appellant's statement mentions that the advertisement is needed for the viability of providing the infrastructure, however this is not fully justified. There is no evidence to suggest why a 75 inch illuminated screen is the only way such a service could be provided or funded. The appeal documents do not illustrate that there have been any investigations as to alternative options or means to providing such infrastructure or advertisements.
22. Turning to public safety, according to the appeal documents, whilst the proposed Street Hub would be wider than the current phone box, the Street Hub would be positioned so that the additional width would be closer to the road edge, rather than encroaching upon the current width of the useable footpath past the existing phone box which the Street Hub is proposed to replace. The useable area of current footpath with the phone box in place is wide and enables sufficient movement of footpath users, as well as persons entering and exiting nearby car spaces. Visibility splays in each direction, particularly for cars at the junction with Sangora Road would be unaffected by the proposal. Taking the above, I do not consider that the proposed Street Hub installation would cause significant detriment as a result of public safety.
23. I appreciate that there are benefits to the scheme, such as public information, help point, increased connectivity and advertisement of services, amongst others. However, these benefits may also be achievable on a scheme that is more in line with the policies of the development plan. As such, these benefits would not outweigh the harm caused to the character and appearance of the area, including harm caused to the significance of the CA from development within its setting. As such, both appeals would be contrary to LP policies LP1, LP9, LP22 and LP49, the Framework, and additionally to London Plan Policies D3, D8 and T2.

Conclusion

24. Whilst I have sided with the appellant with regards to Public Safety, and having considered the benefits of the proposed scheme; for the reasons given above this is not sufficient to outweigh the harm caused to the character and appearance of the area. As such both appeals are dismissed.

J Somers

INSPECTOR