



Appeal Decision

Site visit made on 4 September 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal A Ref: APP/Y5420/W/22/3311979

Outside River Park House, Station Road, London N22 7TR

- 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 BT Group PLC against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/1864 dated 4 May 2021, was refused by notice dated 30 September 2022.
 - The development proposed is the removal of existing BT phone box and installation of a proposed replacement BT street hub and associated display of advertisements to both sides of the unit.
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Appeal B Ref: APP/Y5420/H/22/3311981

Outside River Park House, Station Road, London N22 7TR

- 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 BT Group PLC against the decision of the Council of the London Borough of Haringey.
The application Ref HGY/2021/1853 dated 30 April 2021, was refused by notice dated 30 September 2022.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the amended InLink unit.
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Decisions

1. Appeal A is allowed and planning permission is granted for the removal of existing BT phone box and installation of a proposed replacement BT street hub and associated display of advertisements to both sides of the unit outside River Park House, Station Road, London N22 7TR in accordance with the terms of the application, Ref HGY/2021/1864 dated 4 May 2021, subject to the conditions set out in Schedule 1 to this decision.
2. Appeal B is allowed and express consent is granted for two digital 75 inch LCD display screens, one on each side of the amended InLink unit. The consent is for five years from the date of this decision and is subject to the five Standard Conditions set out in Schedule 2 of the Regulations and the additional conditions set out in Schedule 2 to this decision.

Preliminary Matters

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the street hub and advertisement are linked, I have dealt with them together to avoid duplication. For both appeals, I have taken the name of the appellant and the address from the appeal forms.

4. In respect of Appeal A, I have been mindful of the duties set out in Section 72(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.
5. 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

6. The main issue is the effect of the proposals on the character and appearance and visual amenity of the area, having regard to Listed Building.

Reasons

7. The site is an area of footpath occupied by two telephone boxes towards the corner junction of Station Road and High Road. The area is primarily urban in nature, comprising a town centre location with a mix of residential and commercial uses, including the Grade II Listed Wood Green Underground Station. This is notably historic, with a red brick and traditional construction reflected in the upper levels of many surrounding properties. However, its setting is also defined by more modern additions, including office buildings, a range of shop frontages and cinema complex. Various street furniture is present, including a bus stop immediately adjacent to the site, and a nearby illuminated digital advertisement display.
8. The proposed street hub would replace the existing telephone boxes at the site. Although of a reduced depth compared to these, it would be both taller and wider which, combined with the corner position of the site, would result in the proposal being noticeable in the surrounds. However, located at a wide part of the pavement and in the context of the sizeable surrounding development, the proposal would not appear unduly imposing as a result of its dimensions. Experienced alongside a range of other street furniture in urban surrounds, it would respect the primary character of the area, while its replacement of the phone boxes would ensure it would not create an excess of structures in the footpath or an undue sense of visual clutter.
9. Proposed advertisements would highlight the presence of the hub in the streetscene due to their illumination level. However, given the range of other contemporary designs and commercial uses in the immediate vicinity, they would not detract from the surrounding character. This includes the presence of the digital display to the west of the site, on the same stretch of footpath. Although not immediately adjacent to the proposal and of lower illumination, this forms part of the context in which the hub and advertisements would be experienced, ensuring that these do not appear as incongruous or unduly modern additions.
10. Within the wider area the proposal would be experienced both from, and in the context of, the Wood Green Underground Station and would therefore be within the setting of this listed building. However, this setting comprises a range of development styles. While both the station itself and certain immediately surrounding structures have a traditional and historic design and character, it remains that a variety of street furniture and commercial premises of a notably more modern nature also make up the setting of this building.

11. When viewed from the west the proposal would be experienced against this mixed setting, both alongside the listed building but also the immediately adjacent modern and sizeable cinema complex. In addition, in views from the east, including from the station, it would be seen among the numerous elements of street furniture present, including the other LCD display unit. The proposal would not be out of place within this setting. As such, even acknowledging its proximity to the listed building, the proposal would not erode any of the elements which contribute positively to its special interest and significance. It would not detract from the setting of this heritage asset or the ability to appreciate and understand it.
12. With regard to Appeal A, for the reasons given the hub would not cause visual harm to the site itself or to the contribution it makes to the surrounding character and appearance and would preserve the setting of this listed building. As such, there would be no conflict with Policies D3 and D8 of the London Plan 2021, Policy SP11 of the Haringey's Local Plan Strategic Policies 2013-2026 and Policies DM1 and DM3 of the Haringey Development Management DPD 2017 insofar as they seek to ensure development incorporates good design and is well-related to and respects its local and historic context, character and significance.
13. With regard to Appeal B, for the reasons given, the advertisement would not 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 comply with those policies referred to above in this respect.

Other Matters

14. Interested parties have raised that there is no need for the proposal. However, the National Planning Policy Framework makes it clear that such proposals must be determined on planning grounds only and that the need for electronic communications systems should not be questioned. While comments were received regarding the data collection methods of the proposal, this also falls outside of the remit of the planning merits of the appeal. Concerns have also been raised regarding light pollution. However, given the position of the site in an urban environment with streets lit by streetlights, building and other advertisements, the illumination of the proposal as controlled by a condition would not result in a harmful increase in light pollution or disturbance to surrounding occupiers.
15. It has been claimed by interested parties that there would be no public benefits to the proposal. However, the main parties agree that the proposal would provide benefits such as wi-fi, phone charging, a free phone calling system and monitoring capabilities. In any event, as I have not found the proposal would result in harm there is no need for these public benefits to be assessed in the planning balance.

Conditions

16. I have had regard to the conditions suggested by the Council, which I have considered against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. In the interests of certainty it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans. While the Council's list of approved plans refers to 'Digital Kiosk Proposal' I note that this is for indicative purposes only. However, in the interests of certainty and to protect the surrounding character I have imposed a condition that materials shall be in accordance with the provided product statement.

17. I have also attached a condition relating to the management of the hub with regard to anti-social behaviour, which is necessary for public safety and to ensure no unreasonable impacts relating to crime.
18. With regard to the advertisement consent, the conditions set out in the attached schedule are in addition to the five standard conditions set out at Schedule 2 of the Regulations. These standard conditions are not repeated in the schedules. I have not attached a condition relating to plans in this case as I am granting express consent. Conditions relating to the maximum luminance, the need for images to be static and not resembling traffic signs, and the minimum display time and instantaneous change of images are necessary in the interests of amenity and public safety.

Conclusion

19. For the reasons given above and having had regard to all other matters raised, Appeal A and Appeal B are allowed subject to the conditions set out in Schedules 1 and 2 of this decision, respectively.

C Rafferty

INSPECTOR

SCHEDULE 1

SCHEDULE OF CONDITIONS APPEAL A

1. The development hereby permitted shall begin not later than three years from the date of this decision;
2. The development hereby permitted shall be carried out in accordance with the following approved plans: InLink Project HRG-211 Rev A dated 24 March 2021; and HRG-211 Existing and Proposed Views;
3. The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021; and
4. The BT street hub, including its electronic features, shall be managed in accordance with the BT Street Hub Anti-Social Behaviour Management Plan, April 2021, for the lifetime of the development.

END OF SCHEDULE

SCHEDULE 2

SCHEDULE OF CONDITIONS APPEAL B

The following conditions are attached to this consent, in addition to the five standard conditions set out in the Regulations, which are not repeated in this schedule.

1. The intensity of the illuminance of the advertisement shall be no greater than 600 candela/square metre between dusk and dawn and no greater than 2,500 candela/square metre outside of these times;
2. The display shall not change more than once every 10 seconds;
3. There shall be no special effects (including moving images, apparently moving images, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, or any images that resemble road signs or traffic signals during the time that any message is displayed;
4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.

END OF SCHEDULE