



Appeal Decisions

Site visit made on 18 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal A Ref: APP/L5240/W/22/3309939

Outside No 18 Church Street, Croydon CR0 1FZ

- 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 the Council of the London Borough of Croydon.
 - The application Ref 22/02771/FUL, dated 30 June 2022, was refused by notice dated 6 October 2022.
 - The development proposed is the installation of modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/L5240/H/22/3309940

Outside No 18 Church Street, Croydon CR0 1FZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against the refusal to grant express consent.
 - The appeal is made by Mr Martin Stephens of JCDecaux UK Limited against the decision the Council of the London Borough of Croydon.
 - The application Ref 22/02772/ADV, dated 30 June 2022, was refused by notice dated 6 October 2022.
 - The development proposed is the installation of modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a multifunction Hub unit (the Hub). Appeal B concerns the refusal of express consent to display advertisements on the Hub. I have considered each appeal proposal on its merits. However, as they raise similar issues, I have combined both decisions in a single decision letter.
4. The Council has drawn my attention to policies of the Croydon Local Plan 2018 (CLP) and London Plan (2021) (LP) in the decision that is the subject of Appeal B, and I have taken such policies into account as material considerations. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be

exercised only in the interests of amenity and public safety. Such policies have not, therefore, been decisive in my determination of Appeal B.

5. The description of development in the banner heading above omits certain words, 'this application relates to', from the description provided on the planning application form as they do not describe acts of development. The site address in the banner heading is taken from the decision notice, and not the application form, in the interests of accuracy.

Main Issues

6. The main issues in Appeal A are the effects of the proposed development on:
 - the character and appearance of the Central Croydon Conservation Area and the setting of a non-designated heritage asset; and
 - public safety, with particular regard to driver visibility and the pedestrian environment.

and in Appeal B the effects of the proposed advertisements on:

- visual amenity; and
- public safety, with particular regard to driver visibility and the pedestrian environment.

Reasons

Character, appearance and visual amenity

7. The appeal site is situated within the Central Croydon Conservation Area (CA). As such I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character and appearance. With regard to Appeal B, this is relevant in so far as it relates to the consideration of visual amenity.
8. The significance of the CA is derived from it forming the commercial and civic heart of Croydon. It retains much of its historic fabric and plan form, representing many phases of Croydon's economic and commercial development. The CA contains several listed buildings and locally listed, non-designated, heritage assets, including 27 Church Street, opposite the appeal site. The Central Croydon Conservation Area Appraisal and Management Plan (CAAMP), amongst other things, identifies street clutter from street furniture, signs, tram columns and pavement advertising as a threat and issue affecting the character and appearance of the CA.
9. The appeal site is on a wide pavement close to the junction of Church Street and Frith Road which have a high level of activity. Within the pavement around the site is a way finder sign, lamp posts, tram columns, bike racks and traffic lights and signs. Advertisements in the locality of the appeal site mainly comprise non-digital fascia style signs on the commercial units and A board signs placed on the pavement.
10. Even acknowledging that the Hub would be sited next to a modern building and that the level of illumination of the proposed advertisement can be controlled, its height and width, compared to the existing street furniture, would be imposing, appearing overly bulky and block like. It would be a prominent,

dominant, and obtrusive feature that would not integrate well into the street scene.

11. The proposal would add to the visual clutter in this part of the CA, the cumulative impact of which would be harmful to its character and appearance and contrary to the aims of the CAAMP. Moreover, the proposed advertisement display would fail to reflect surrounding signage by introducing digital images and a sizeable element of illumination, thereby increasing the visual prominence and exacerbating the Hub's harmful effect.
12. Furthermore, whilst the appeal site is separated from 27 Church Street by the highway, the Hub would be seen in the context of that building and, for the same reasons, would also harm the setting of that building and its significance.
13. The impact of the appeal proposal would be localised and therefore, in the terms set out in the National Planning Policy Framework (the Framework), the harm to the CA would be less than substantial. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. At paragraph 202 the Framework states that where a development would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal. In addition, at paragraph 203 the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
14. I acknowledge that it is intended that the Hub would provide a range of free services to the public, including phone calls, wayfinding, defibrillator, and Wi-Fi. It would also provide an opportunity to advertise local businesses which would contribute to the vitality and viability of the centre of Croydon. However, there is nothing before me that demonstrates that there are no alternative solutions to the provision of such services. As such the public benefits in this regard are limited and not sufficient to outweigh the clear harm identified above.
15. Accordingly, in relation to Appeal A, the proposal would be harmful to the character and appearance of the Central Croydon Conservation Area and the setting of a non-designated heritage asset. As such, the proposal would conflict with CLP Policies SP4 and DM18 and LP Policies HC1 and D3 of the that, amongst other things, seek to preserve and enhance heritage assets, and ensure that development respects and enhance Croydon's varied character. There is also conflict with the aims of the National Planning Policy Framework (the Framework).
16. With regards to Appeal B, the Hub would have an unacceptable effect on the visual amenity of the area and would conflict with LP Policies DM18 and SP4 and LP Policies D8 and HC1 insofar as they are relevant to amenity.

Public Safety

17. The Hub would be located near to the carriageway, where other street furniture is generally located. Given the width of the pavement, the remaining unobstructed footway that would remain would be generous and, therefore, sufficient to accommodate a high volume of pedestrian traffic without undue

hindrance. Consequently, the proposal would not have an unacceptable effect on existing pedestrian flows in this location.

18. Church Street and Frith Road are both one-way streets with a traffic light-controlled junction incorporating a signalised pedestrian crossing. Any vehicles exiting Frith Road and turning right onto Church Street can only do so, therefore, when traffic approaching the junction is stationary. Furthermore, the orientation of the Hub and the sightlines of pedestrians or tram and other drivers would not be unduly blocked, notwithstanding that it is at a complex and busy part of the highway. Such favourable road conditions would ensure that any impediment to driver or pedestrian visibility arising from the proposal would not be harmful to highway safety.
19. The proposed advertisement would be principally visible to motorists travelling from Frith Road onto Church Street. Due to the position of the Hub and the number of advertisements already in the street, the Hub would not harmfully distract motorist or pedestrians.
20. Accordingly, in relation to Appeal A, the Hub would not be harmful to public safety, particular regard driver visibility and the pedestrian environment. As such, the Hub would accord with CLP policy DM29 and LP Policies D8 and T4. Such policies seek, amongst other things, to ensure proposals do not create barriers to movement, have a detrimental impact on highway safety or increase road danger.
21. With regards to Appeal B, the proposals would not be harmful to public safety and would therefore accord with CLP Policy DM29 and LP Policy T4 insofar as it is relevant to such a consideration.

Conclusion

22. Whilst I have found that the proposals would not be harmful to public safety, this is a neutral factor and does not outweigh the harm to the character and appearance of the CA or the setting of a non-designated heritage asset I have identified. The proposals conflict with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
23. I conclude that the Appeals A and B should be dismissed.

Elaine Moulton

INSPECTOR