



Appeal Decisions

Site visit made on 30 August 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal A Ref: APP/H5960/W/22/3308053

Footpath Outside Wandsworth Southside, Buckhold Road, London SW18 4LB

- 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 British telecommunication PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5838, dated 9 December 2021, was refused by notice dated 5 August 2022.
 - The development proposed is 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.
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Appeal B Ref: APP/H5960/Z/22/3308054

Footpath Outside Wandsworth Southside, Buckhold Road, London SW18 4LB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by British telecommunication PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5830, dated 9 December 2021, was refused by notice dated 5 August 2022.
 - The advertisement proposed is two 75 inch LCD display screens, one on each side of the street hub unit.
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Decisions

1. **Appeal A** is allowed and planning permission is granted for 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 at Footpath Outside Wandsworth Southside, Buckhold Road, London SW18 4LB in accordance with the terms of the application Ref 2021/5838, dated 9 December 2021, subject to the conditions in the Schedule at the end of this decision.
2. **Appeal B** is allowed and express consent is granted for two digital 75 inch LCD display screens, one each side of the street hub unit, as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the conditions in the Schedule at the end of this decision.

Preliminary Matters

3. The 2 appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined the cases into a single decision letter.
4. The descriptions of the proposed development and advertisements in the header and decisions above have been taken from the respective application forms. The appeal forms provide different descriptions but I have been provided with no written confirmation that these have been agreed with the Council. As such, my assessments are based on the original descriptions.
5. The appeal drawings indicate the removal of existing BT telephone call boxes across the road from the proposed street hub and so outside the appeal site as defined by a red line on the plans. Even so, the Council has assessed the development on the basis that the boxes would be removed. In the event the appeal is allowed, it would be reasonable to attach a Grampian style planning condition that would require the removal of the boxes as they are owned by the appellant. Therefore, my determination on appeal A is made on the basis the proposal includes the removal of the existing phone boxes.
6. In July 2023 and since the appeal was lodged, the Council has adopted a new Wandsworth Local Plan (the LP). This now forms part of the development plan and supersedes the policies referred to on the Council's decision notice apart from those in the London Plan 2021 (the London Plan). The main parties have had an opportunity to submit comments on the LP policies and I have taken those received into account. The Regulations confine the assessment of advertisements to issues of amenity and public safety. With respect to appeal B, the development plan policies are only relevant considerations insofar as they relate to such matters.

Main Issues

7. For both appeals, the main issues are (i) the effect on visual amenity as well as the character and appearance of the area, and (ii) the effect on public safety, specifically on vehicular users of the highway and pedestrians.

Reasons

Effect on visual amenity, character and appearance of the area

8. The street hub would be on a pavement on the east side of Buckhold Road, near to its junction with Wandsworth High Street. The surrounding urban area includes the entrance to the Southside shopping centre as well as other shops and buildings. These give a significant commercial feel to the locality. Outside the shopping centre is an open paved area. A raised planter bed containing small trees lies between this plaza and the appeal site.
9. Lampposts and a small roadside cabinet are on the pavement close to the appeal site. The telephone boxes to be removed are on the opposite side of Buckhold Road against a building. Also in the vicinity are the traffic lights at the Wandsworth High Street/Buckhold Road junction, a street name plate and a free-standing information board in front of Southside. Signs are also on the front of the shopping centre and shops on the opposite side of Wandsworth High Street. As such, items of street furniture and advertisements are already common in the area.

10. The street hub would be seen from either side of Buckhold Road, from the open area outside Southside and from Wandsworth High Street. In such views it would be seen alongside, in front of or behind the nearby trees, lampposts and traffic lights. It would also be viewed with the advertisements on the front of the shopping centre and other nearby buildings. There are no other street hubs within the immediate locality but the proposal would not appear incongruous given the commercial nature of the area as well as the range of nearby street features and advertisements. The illumination of the displays would not be out of character as the street is already lit by the lampposts.
11. The hub would be of a different design and slightly taller than the telephone boxes to be removed. Also, it would be in a more prominent location. Even so, the area in front of Southside and the wide pavement at the Buckhold Road/Wandsworth High Street junction provide a significant sense of openness to the local environment that would not be meaningfully eroded by the proposal. The development would not result in a street scene that appears unduly cluttered, particularly as it would replace existing call boxes. Moreover, the hub would be positioned to the side of the plaza with trees behind so it would not undermine the attractiveness of the shopping centre frontage.
12. For the above reasons, I conclude the development would not harm the character and appearance of the area. Also, the proposed advertisements would cause no detrimental effect on amenity. In these regards, the development would accord with LP policy LP1 and policies D3 and D8 of the London Plan. The advertisement proposal would also accord with LP policy LP9 insofar as this is relevant in the determination of appeal B.

Effect on the safety of vehicular users of the highway

13. My visit can only provide a snapshot in time but I saw Wandsworth High Street was busy with traffic. It is a one way street with travel only allowed in a westward direction. Buckhold Road was not so busy but drivers are able to travel from and onto Wandsworth High Street.
14. Transport for London (TfL) as the relevant highway authority has raised concern that the advertisements would distract drivers navigating the signalised junction of the 2 roads. The hub would be visible for drivers travelling along Wandsworth High Street, although it would be set back and to the side rather than seen straight ahead. Also, the trees in the planter and other street furniture would partially obscure such views. Consequently, the proposed displays would not be the cause of significant distraction to drivers travelling straight on at the traffic lights.
15. By reason of its position, the north facing display would be obvious for those drivers turning into Buckhold Road. However, it is unlikely to draw attention until vehicles are at least part way around the corner. As such, the hub display would not distract drivers from the traffic lights nor from pedestrians wanting to cross the road at the signalised junction.
16. The south facing display would be seen by drivers travelling along Buckhold Road towards Wandsworth High Street. The road is straight with good forward visibility and so the proposed display would not cause a sudden distraction. Also, the traffic lights are clearly seen from a fair distance away down Buckhold Road and the layout of the junction makes it clear that traffic can only turn left onto Wandsworth High Street. As such, the advertisements would not attract

attention at a point where drivers would be expected to change lanes or need to make decisions on which direction to follow. Also, the proposed hub would not meaningfully obstruct drivers' visibility of the road.

17. For these reasons, I conclude the displays and street hub would not cause harm to the safety of vehicular users of the highway. In these regards, they would accord with policies D3 and T4 of the London Plan and LP policies LP9, LP49 and LP50 insofar as these relate to matters of public safety. In these respects, the proposal would not prejudice the referred to Mayor's Vision Zero to prevent deaths or serious injuries occurring on London's streets.

Effect on pedestrian safety

18. The hub would be quite close to the planter but it would stretch across part of the pavement width. The Council's appeal statement suggests that a space of 1.11m would remain between the hub and the kerb line. However, using the scale as shown on the appeal drawings indicates a gap of more than 2m would be retained. This would be sufficient to enable users of the pavement to pass, including those in wheelchairs or with pushchairs. Moreover, the hub would be set away from the nearest lamppost and roadside cabinet. Appropriate pavement space would remain for safe and convenient pedestrian movement.
19. For these reasons, I conclude the proposed development and advertisements would not cause harm to public safety in terms of restricting pedestrian movement. In these regards they would accord with Policy T2 of the London Plan and LP policies LP9, LP49 and LP50. Amongst other things, these look to facilitate walking through the delivery of healthy streets.

Other Matters

20. The questionnaire provided by the Council indicates the hub would be in Wandsworth Town Conservation Area (the CA). However, the submitted plan shows the CA's boundaries run along the other side of Buckhold Road and Wandsworth High Street so the hub would be just outside the CA. The CA's significance derives from its historic development and street patterns as well as its attractive townscape. The submissions indicate that properties on Wandsworth High Street are listed buildings. These would appear to gain their significance from their age and architectural interest.
21. The development and displays would be seen from the opposite side of the roads and would be in views from Buckhold Road of properties in the CA. In these respects, they would affect the setting of the CA and the listed buildings. However, the hub would be small in comparison to the buildings, which are already seen within a context of traffic lights and lampposts in the foreground. Therefore, I am satisfied the proposal would cause no harm to the character, appearance, setting or significance of the CA or any nearby listed buildings.
22. It is suggested the hub is not needed as there are other phone boxes in the surrounding area. However, amongst its various functions the hub would provide free public access to wi-fi, free mobile and landline calls and would boost telecommunications coverage. As such, it would seem to serve an electronic communications purpose. At paragraph 118, the National Planning Policy Framework (the Framework) states local planning authorities should not question the need for an electronic communications system. Accordingly, the contentions made in these respects attract little weight in my assessment.

23. TfL refers to a principle where 4 phone boxes are to be replaced by 1 street hub. However, no development plan policy has been provided that includes such a requirement. TfL also raise concern over the works to install the proposed hub and potential obstruction to the pavement and associated illegal parking of vehicles. However, the grant of planning permission and advertisement consent would not authorise unlawful parking or footway obstruction. Therefore, these factors have little influence on my assessment.
24. A concern is raised over the inclusion of face recognition software as part of the hub and the subsequent invasion of privacy. However, there is no indication that the hub would include features that would allow an intrusion of privacy of any individual. Also, it would be away from any dwelling and so it would not adversely affect the living conditions of any residents.
25. Consequently, the above concerns do not provide reason to dismiss the appeals. As such, they do not affect my conclusions.

Conditions

26. The Council has suggested conditions to be imposed in the event that I decide to allow the appeals. I have assessed these against the tests for conditions as set out in the Framework. Where appropriate I have amended the wording for reasons of precision and to avoid repetition.
27. For appeal A, I have attached a condition that lists the approved drawings in the interests of clarity. Also, to ensure the proposal does not lead to unnecessary street clutter I include a condition that requires the removal of the 2 existing telephone call boxes as shown on the approved plans. For reasons given above, I find no requirement for a condition that requires the removal of 4 phone boxes.
28. A condition that requires vehicles associated with the installation of the hub to accord with parking restrictions is unnecessary as it replicates controls that are already in place. The suggested condition that prevents the footway from being blocked during construction is imprecise and unenforceable given that the street hub itself would cause a degree of obstruction. Also, a condition that prevents skips or construction materials being kept on the pavement is unnecessary as this is covered by a highway licence scheme. Therefore, these suggested conditions have not been imposed.
29. For appeal B, I have included conditions on brightness as well as on the type of display and the method and frequency of changes. These are required in the interests of amenity and to ensure the displays do not cause public safety detriment by unduly distracting drivers.

Conclusions

30. For the reasons given, I conclude that both appeals should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL A – APP/H5960/W/22/3308053

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WDW-203 revision B, un-numbered elevations and footprint drawing of the street hub (scale 1:20@A3).
- 3) No construction works on the installation of the street hub hereby permitted shall be commenced until the 2 existing telephone call boxes across Buckhold Road and as shown on the approved plans to be removed have been removed in their entirety and the land made good to the same condition as the adjacent land.

SCHEDULE OF CONDITIONS FOR APPEAL B – APP/H5960/Z/22/3308054

- 1) The maximum steady brightness of the display screens shall not exceed 280 candelas per square metre between dusk and dawn and shall not exceed 600 candelas per square metre at any other time.
- 2) The advertisements shall be static and contain no moving features and no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any advertisement is displayed.
- 3) The displays shall change no more frequently than every 10 seconds with intervals between successive displays taking place over a period of no greater than one second. No visual effects of any kind shall accompany the transition between any two successive messages. The replacement image shall not incorporate any fading, swiping or other animated transitional method.