



Appeal Decisions

Site visit made on 2 October 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2023

Appeal A Ref: APP/Q5300/W/22/3308890

Pavement outside 1 The Town, Enfield EN2 6LD

- 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 Thomas Johnston on behalf of JCDecaux UK Ltd against the decision of London Borough of Enfield.
 - The application Ref 22/02509/FUL, dated 18 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is described on the application form as: 'The installation of a multi-functional Communication Hub including advertisement display, as illustrated in the attached documentation'.
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Appeal B Ref: APP/Q5300/H/22/3308891

Pavement outside 1 The Town, Enfield EN2 6LD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston on behalf of JCDecaux UK Ltd against the decision of London Borough of Enfield.
 - The application Ref 22/02510/ADV, dated 18 July 2022, was refused by notice dated 20 September 2022.
 - The advertisement proposed is described on the application form as: 'The advertisement is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show static illuminated content that is remotely changed via a secure ISDN line to the communication device'.
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Decision

1. Appeal A is allowed and planning permission is granted for the installation of a multi-functional Communication Hub including advertisement display at Pavement outside 1 The Town, Enfield EN2 6LD in accordance with the terms of the application, Ref 22/02509/FUL, dated 18 July 2022, subject to the conditions listed at the end of this decision.
2. Appeal B is allowed and express consent is granted for the installation of a static illuminated content LCD portrait screen to Communication Hub at Pavement outside 1 The Town, Enfield EN2 6LD. The consent is for five years from the date of these decisions and subject to the five standard conditions set out in the Regulations and the additional conditions listed at the end of this decision.

Preliminary Matters

3. As set out above there are two appeals before me. Appeal A relates to a refusal of planning permission and Appeal B relates to a refusal to grant advertisement consent. Whilst the remit of each regime is different, the main

issues set out below relate to both appeals. Indeed, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter whilst having regard, where applicable, to the statutory duties that apply under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. In respect of Appeal B, the Regulations regarding advertisements state that control may only be exercised in the interests of amenity and public safety. As such, for the purposes of Appeal B, I shall have regard to the policies of the development plan only in so far as they are relevant to these matters. In the interests of clarity and conciseness, I have used the description of the advertisement as specified on the Council's Decision Notice as opposed to as set out on the application form.

Main Issues

5. The main issues are:

- Whether or not the proposals would preserve or enhance the character or appearance of the Enfield Town Conservation Area (the CA); and
- The effect of the proposals upon the settings and thereby the heritage significance of nearby listed buildings.

Reasons

The CA

6. The CA encompasses the historic core of Enfield. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its array of often compactly laid out historic buildings as well as its generous expanses of open space. The Town is comprised of a distinctive triangular area that is paved and open for a considerable part, and that is addressed by various featureful commercial properties of differing ages and styles. As a general location, The Town makes a positive and important contribution to the CA's heritage significance.
7. As was apparent upon inspection, various items of modern street furniture are already in place close to where the proposed Communication Hub (the Hub) would be installed. These items, which do not tend to respond entirely positively to their historic surroundings, include a sheltered bus stop, redundant telephone kiosks, cycle hoops, and concrete planters.
8. It is intended that one of the redundant telephone kiosks be replaced by the Hub across a reduced footprint and at a comparable height. Whilst the existing kiosk is predominantly glazed and the proposals involve the introduction of solid elements in conjunction with digital advertising, I do not accept any suggestions made that the Hub would be visually dominant, nor that any advert to be displayed would be unacceptably substantial in size. Moreover, the Hub, which would be positioned only a short distance from built form and be experienceable against the backdrop of a busy commercial frontage, would not appear as excessively prominent or discordant, and would not lead to an unacceptable accumulation of street clutter to the detriment of the CA's character or appearance.

9. The intended portrait screen advertisement would be illuminated. However, the appeal site is located within an inner urban area which would be lit by streetlights and buildings outside of daytime hours. Therefore, subject to conditions being imposed to ensure static displays and to control brightness, I am satisfied that the intended digital display would not appear as unduly prominent or incongruous in visual amenity terms.
10. For the above reasons, the proposals would preserve the character and appearance of the CA and satisfactorily accord with Policies CP30 and CP31 of The Enfield Plan Core Strategy (November 2010) (the CS), Policies DMD37, DMD41 and DMD44 of the Development Management Document (November 2014) (the DMD), Policies D8 and HC1 of the London Plan (March 2021) (the LP), and the National Planning Policy Framework (the Framework) in so far as these policies set out that all developments and interventions in the public realm must be high quality and design-led having special regard to their context, and require that adverts should not become visually dominant nor result in unnecessary clutter.

Listed buildings

11. Various listed buildings are situated in the locality. The closest to the site include the Grade II Listed 3-4 The Town to the west, and the Grade II Listed Old Vestry Office and associated Grade II Listed forecourt railings to the opposite side of The Town also to the west. The significance and special interest of these designated assets is drawn, in part, from their age, traditional materials, and relevance to the historic evolution of Enfield.
12. The Hub would not share an immediate physical relationship with, and would be stepped away from, the closest listed buildings. When also factoring in the discreet scale of the proposals and the current existence of a redundant kiosk to be replaced on the appeal site, I am content that no harm would be caused to the heritage significance of any nearby listed building as a consequence of development within its setting. The proposals thus accord with Policy CP31 of the CS, Policy DMD44 of the DMD, Policy HC1 of the LP, and the Framework in so far as these policies set out that the design, materials and detailing of development affecting heritage assets or their setting should preserve the asset in a manner appropriate to its significance.

Conditions

13. I have considered draft lists of conditions provided by the Council and by the appellant against advice contained in the Framework and Planning Practice Guidance. As a result, I have made amendments to several of the suggested conditions for consistency and clarity purposes and have omitted others.

Appeal A

14. A condition listing the approved plans is necessary in the interests of certainty. In the interests of reducing the risk of street crime and anti-social behaviour, a condition is reasonable and necessary that requires a Management Plan to be agreed and subsequently adhered to. A 2020 version of such a Plan appears in the evidence before me, which offers a useful starting point. Indeed, it sets out primary points of contact in the event of misuse/vandalism and states commitments to managing and monitoring the Hub in co-operation with the

Police Service and Local Authority as well as to constantly review and adopt best practice to design out the potential for crime.

15. The Council has suggested several conditions that relate directly to the display of advertisements, which are not necessary to impose with respect to the planning appeal.

Appeal B

16. In addition to the five standard conditions set out in the Regulations, it is reasonable and necessary, in the interests of visual amenity and highway safety, to impose a condition confirming that advertisements shall be static with no special effects and shall change on an instantaneous basis with a minimum of 10 seconds between changes. For the same reasons, it is reasonable to limit maximum display brightness during hours of darkness.

Conclusion

17. The proposed development that is the subject of Appeal A accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. The advertisement that is the subject of Appeal B is acceptable in terms of its amenity and public safety effects. As such, Appeals A and B should be allowed.

Andrew Smith

INSPECTOR

Schedules of Conditions

Appeal A

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); Block Plan (scale 1:200); Comparison Elevations.
- 3) Prior to the first use of the Communication Hub hereby permitted, a Management Plan, to be produced in broad conformity with the various measures set out in the JCDecaux Communication Hub Unit Management Plan (V1 October 2020), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Hub shall be managed in full accordance with the approved Management Plan.

Appeal B

- 1) The content of the LCD portrait screen hereby consented shall be static with no special effects of any kind during the time that any advertisement is displayed. The minimum time between successive displayed images shall be 10 seconds, and the interval between successive displayed images shall be instantaneous (0.1 seconds or less).
- 2) The intensity of the illuminance of any advertisement to be displayed shall be no greater than 600 candela per square metre during hours of darkness.