



Appeal Decisions

Site visit made on 3 October 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal A Ref: APP/L5240/W/22/3313545 **Outside 948 Brighton Road, Purley, CR8 2LP**

- 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 on behalf of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02775/FUL, dated 30 June 2022, was refused by notice dated 15 December 2022.
 - The development proposed is described as replacement of existing telephone kiosk with a multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/L5240/Z/22/3313547 **Outside 948 Brighton Road, Purley, CR8 2LP**

- 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 Mr Martin Stephens on behalf of JCDecaux UK Limited against the decision of Council of the London Borough of Croydon.
 - The application Ref 22/02776/ADV, dated 30 June 2022, was refused by notice dated 15 December 2022.
 - The development proposed is described as an 86 inch LCD screen to show illuminated static displays.
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Appeal C Ref: APP/L5240/W/22/3313548 **Outside 941 Brighton Road, Purley, CR8 2BP**

- 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 on behalf of JCDecaux UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02761/FUL, dated 30 June 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as replacement of existing telephone kiosk with a multifunction Hub unit featuring an integral advertisement display and defibrillator.
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Appeal D Ref: APP/L5240/Z/22/3313550 **Outside 941 Brighton Road, Purley, CR8 2BP**

- 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 Mr Martin Stephens on behalf of JCDecaux UK Limited against the decision of Council of the London Borough of Croydon.
 - The application Ref 22/02762/ADV, dated 30 June 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as an 86 inch LCD screen to show illuminated static displays.
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Decisions

Appeal A Ref: APP/L5240/W/22/3313545

1. The appeal is dismissed.

Appeal B Ref: APP/L5240/Z/22/3313547

2. The appeal is dismissed.

Appeal C Ref: APP/L5240/W/22/3313548

3. The appeal is dismissed.

Appeal D Ref: APP/L5240/Z/22/3313550

4. The appeal is dismissed.

Preliminary matters

5. I have considered Appeals A, B, C & D on their individual merits. However, the communications Hub units and advertisements for A & B and C & D are linked and both appeal sites are located close to each other. Accordingly, I have dealt with them together to avoid duplication. For all four appeals, I have taken the locations and descriptions for the proposals from the Decision Notices. This is because they are more concise than those provided on the Application Forms and the addresses for the sites varied on the application and appeal forms.

Main issues

6. With appeals A and C the main issue is the effect of the proposal on the character and appearance of the surrounding townscape. With appeals B and D the main issue is the effect of the proposal on the visual amenity of the surrounding townscape.

Reasons

7. The appeal sites are located on opposite sides of Brighton Road (A235), within an urban and primarily commercial area. It is within a secondary retail frontage and an area with high levels of footfall. The immediate area is characterised by older two to four storey terraces with small retail units on the ground floor. The shop signage is typically modest with little illumination and at the time of the appeal site visit there were a few non-illuminated billboards placed outside several shops.
8. Other movable street furniture included seating outside a couple of cafes and retractable awnings. The fixed street furniture is predominantly slimline, black and sited close to the kerbs. Many of the lampposts include planters fixed at a height just below the shop fascia signs and there are a number of street trees sited close to the kerb. A short distance to the northeast the street scene opens up and is pedestrianised around the junction with High Street.
9. Consistent with this, the two existing kiosks to be replaced have slimline black metal frames, large areas of clear glazing and are sited close to the outer edge of the pavement. The existing bus shelters are located further back from the kerb and similarly have slim black metal frames and large areas of glazing.

Their central static information/advertisement boards are not apparent in the wider streetscape. Within the immediate vicinity of the appeal sites there is a restricted parking area on the northwest side of Brighton Road and a short distance to the southwest is a busy controlled traffic junction.

10. Policy S16 of The London Plan 2021 (London Plan) states that proposals should take appropriate measures to avoid reducing mobile connectivity. Support will be given to the effective use of the public realm to accommodate well-designed and suitably located mobile digital infrastructure. Policy D2 of the London Plan seeks to ensure that there is sufficient infrastructure capacity. Paragraph 114 of the National Planning Policy Framework 2023 (Framework) states that that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications network.
11. The Code for Best Practice on Mobile Network Development in England (2022) states that local planning authorities should support the expansion of electronic communications networks and that there should be a presumption in favour of facilitating such development. Good siting and design principles should apply to all wireless network development and take into account any site-specific considerations and context. This includes protecting visual amenity and mitigating visual impacts. Operators should consider the design principles set out in the Framework, local planning policies and relevant design codes.
12. Together and amongst other things policies D3 and D8 of the London Plan and policies DM10, DM12 and SP4 of the Croydon Local Plan 2018 (LP), seek to ensure the public realm is well designed, safe, attractive and related to local context. Street furniture should complement the use and function of the space and applications which introduce unnecessary street furniture should be refused. Advertisement hoardings should be designed to improve the public realm and should not harm amenity. Lighting for advertisements should be carefully considered and well designed to minimise intrusive lighting infrastructure and reduce light pollution.
13. The Croydon Public Realm Design Guide 2019 (SPG) encourages the decluttering of unnecessary, damaged and poor-quality elements to help create a more accessible and welcoming environment. Street furniture should be located so as not to cause an obstruction towards the front of the footway. Where digital infrastructure is provided it should be integrated within the street furniture. Information boards should be co-ordinated with the style of the surrounding street furniture and where possible fixed on adjacent structures.
14. Regarding telephone kiosks the SPG advises that they will only be supported where it is demonstrated that there is a demand for them in a specific location. Free-standing advertising in the public realm is discouraged, as are advertisements on footways within high footfall areas. Also, the Council will work with payphone operators to remove existing boxes.
15. In relation to the display of advertisements Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that A local Planning Authority shall exercise its powers under these regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other factors.

16. Paragraph 136 of the Framework states that the quality and character of a place can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.
17. As two telephone kiosks are already on the appeal sites, the existence of such equipment is established and the proposed Hub units would not add to the level of physical clutter within the street scene. Both of the proposed multifunction Hub units would include free public WIFI; the facility to make free calls to landlines, charities and emergency services; a USB charging point; wayfinding; a platform for other environmental conditions; CCTV and data; a defibrillator; and the allocation of advertising time for public messaging. The Hub units have been designed to be accessible by persons with disabilities; powered by 100% renewable carbon-free energy; and remotely monitored. Also, the illumination of the advertisements includes light sensors to adjust levels to ambient brightness to ensure a suitable level is maintained.
18. These are all factors that deliver a number of public benefits, although little evidence has been submitted to demonstrate that there is a demand for the proposed Hub units in these specific locations.
19. Visually, whilst the footprint of the proposed Hub units would be smaller than that of the telephone kiosks they would replace, the Hub units would be slightly taller and would be visually solid and thus more prominent within the street scene. Due to their size, design and orientation, they would also appear more solid than the other street furniture in the immediate area.
20. The proposed internally illuminated advertisement panels would add to the prominence of the Hub units and would look out of place with the street scene. This is due to the absence of large internally illuminated advertisements within the street scene and their close proximity to the adjacent older and modest sized shopfronts. For these reasons the internally illuminated advertisement panels would appear out of context with the street scene.
21. Whilst the existing telephone kiosks are clear glazed and free from advertisements, I have taken into account their impact on the street scene were the glazed panels to be used for the display of advertisements. However, such advertisements would be non-illuminated and static. Accordingly, they would be consistent with the non-illuminated signage and advertisements displayed within some of the nearby shopfronts. Their impact on the street scene would be significantly less than that of the proposed illuminated panels and associated advertisements, which would be displayed in a series of changing static images.
22. The appellant has referred to a number of Hub units that have been approved. Whilst these Hub units appear identical to those proposed, they are all located within more open environments; within wider paved areas; and in the vicinity of larger buildings. As such they are not directly comparable to the appeal schemes.
23. For these reasons both individually and collectively, the proposed Hub units and associated advertisement panels would materially and unacceptably harm the character and appearance of the locality. This harm could not be

satisfactorily addressed through the imposition of conditions and would clearly outweigh the public benefits that would result from the proposals.

24. I conclude that appeal proposals A and C would both individually and collectively unacceptably harm the character and appearance of the surrounding townscape. Accordingly, appeals A & C conflict with Policy D3 & D8 of the London Plan, LP Policies SP4, DM10 & DM12, the SPG and paragraph 136 of the Framework. Appeal proposals B & D would unacceptably harm the visual amenity within the surrounding townscape and would conflict with the above policies insofar as they are relevant to the proposed advertisements.

Conclusion

25. For the reasons given above and having regard to all matters raised the appeals are dismissed.

Elizabeth Lawrence

INSPECTOR