



Appeal Decisions

Site visit made on 2 October 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal A Ref: APP/H5960/W/22/3308368

Telephone box outside 201-203 Upper Tooting Road, SW17 7TG

- 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 Wandsworth.
 - The application Ref 2021/5697, dated 9 December 2021, was refused by notice dated 10 August 2022.
 - The development proposed is for the removal of existing telephone box and installation of freestanding 'Street Hub' phone and web communications structure with double sided illuminated digital advertisement panel.
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Appeal B Ref: APP/H5960/H/22/3308369

Telephone box outside 201-203 Upper Tooting Road, SW17 7TG

- 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 Wandsworth.
 - The application Ref 2021/5833, dated 9 December 2021, was refused by notice dated 10 August 2022.
 - The development proposed is described as a two digital 75 inch LCD display screen, one on each side of the Street Hub unit.
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Decisions

Appeal A Ref: APP/H5960/W/22/3308368

1. The appeal is dismissed.

Appeal B Ref: APP/H5960/H/22/3308369

2. The appeal is dismissed.

Preliminary matters

3. In the interests of precision and clarity, the description for appeal A is taken from the Council's decision notice and the description for appeal B is taken from the application form.
4. I have considered Appeal A and Appeal B on their own individual merits. However, as the communications hub and advertisement are linked, I have dealt with them together to avoid duplication.

5. At the pre-application stage the Council suggested that the existing phone box outside 200 Upper Tooting Road should also be removed as part of any planning application submission. However, the application form and the description for the proposal in the supporting statement clearly state that the proposal includes the removal of the existing telephone box. The submitted drawings and maps only show the appeal site, where the existing telephone box would be removed. There is no reference to the removal of any additional telephone boxes nearby. Transport for London assessed the proposal and the Council assessed and determined the applications on this basis.
6. In section 3.3 of their planning statement the appellant states that BT will remove an additional telephone box upon deployment of the Street Hub unit, although no details of its location are provided. The Council refer to this in their delegated report and comment that whilst officers had requested confirmation on whether an additional telephone box could be removed nearby, no plans to identify and outline the exact telephone boxes for removal were received. Accordingly, the removal of an additional telephone phone box was not taken into consideration. The appeal needs to be determined on this basis as the removal of further telephone boxes would amount to a material change to the proposal.
7. 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. Appeal B has been determined in accordance with these regulations.
8. Since the appeals were submitted the Wandsworth Local Plan: Development Management Policies Document (2016) (DMSD) and the Wandsworth Publication Version Local Plan (Regulation 19 version) (PVLV), have been replaced by the Wandsworth Local Plan 2023-2038, which was adopted in July 2023 (LP). In relation to the appeal proposals, as suggested by the Council, I agree that DMSD Policies DMS1, DMS8, DMS9 & DMT1 and PVLV Policies LP1, LP9, LP22, LP49 & LP50 have effectively been replaced by LP Policies LP1, LP2, LP9, LP22, LP49 & LP50. The appellant has confirmed that, in relation to these appeals, the newly adopted LP policies are not significantly different to those set out in the decision notices.

Main Issues

9. Appeal A - The main issues are the effect of the proposal on the character and appearance of the immediate area and the effect of the proposal on public safety.
10. Appeal B – The main issues are the effect of the proposal on amenity and public safety.

Reasons

Character and appearance

11. The appeal site is located within a busy commercial area within Tooting Town Centre. It is close to the junctions of Upper Tooting Road (A24) with Letchworth Street and Hereward Road and to the front of the appeal site are

- cycle lanes on both sides of the carriageways. A short distance to the north is a controlled pedestrian crossing.
12. The proposed street hub would be situated to the front of a modest traditional terrace of two storey buildings with narrow retail units on the ground floor. Within the wider street scene are a mixture of modern and traditional attached buildings, again with retail/commercial units on the ground floor. A number of the units within the adjacent terrace have retractable awnings and their shop signage is modest with minimal illumination.
 13. The fixed street furniture along this stretch of Upper Tooting Road is predominantly slimline, black, sited close to the kerbs and visually discrete. It includes lamp posts, highway signage and utility infrastructure. Conversely the existing telephone box which would be removed as part of the proposal is visually tired and has a negative impact on the street scene. There is an advertisement panel on a kiosk located a short distance to the north of the appeal site and to the south there are advertisement panels on a bus stop. They are quite distinct within the street scene and highlight the potential for the proliferation of such structures and advertisements to add to visual clutter and harm the character and appearance of the street scene. In addition, whilst the advertising on most buildings is modest there are examples of larger adverts which have had a negative impact on the character and appearance of the street scene.
 14. The Code for Best Practice on Mobile Network Development in England (2022) (BPMND) explains 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 National Planning Policy Framework 2023 (the Framework), local planning policies and relevant design codes.
 15. Policy SI6 of the London Plan 2021 and LP Policy LP22 support the provision and improvement of infrastructure for digital connectivity in appropriate locations. Such development should support and enable the provision of public services. It should not detract from the Character and appearance of its setting and must not impact on the usability of the pedestrian environment.
 16. Collectively and amongst other things policies D3 & D8 of the London Plan and policies LP1, LP2, LP22, LP49 & LP50 of the Wandsworth Local Plan 2023-2038 (LP), seek to achieve safe, secure and inclusive environments. Development should enhance and be well-related to local context and achieve a high level of integration with its surroundings. This includes appearance, movement function and function as a place. Desire lines for people walking and cycling should be a particular focus and consideration should be given to the location of street furniture so that it complements the use and function of the space. Proposals for unnecessary street furniture should be refused.
 17. LP Policy LP9 deals specifically with advertisements. It seeks to ensure that they are well integrated with their context and do not contribute to the proliferation of clutter signage. They should avoid material harm to public amenity through excessive illumination, visual light intrusion and causing harm to highway safety. The repurposing of phone boxes for predominantly

advertising use will not be acceptable, particularly in proximity to heritage assets. Regarding highway safety, Policies T2 & T4 of the London Plan and LP Policies LP49 and LP50 promote safe, accessible and sustainable transport solutions. Development should be safe and avoid harm to highway safety. It should be people focused and meet Healthy Street objectives, which seek improved access by foot and bicycle.

18. These policies are consistent with paragraphs 7, 104, 110, 111, 114 and 136 of the National Planning Policy Framework 2023 (the Framework) and the advice set out in the National Planning Practice Guidance.
19. The existing telephone box on the appeal site is visually tired. As pointed out by the Council telephone phone boxes can attract vandalism and graffiti, fly posting and general dirt. As such, I agree with the Council that there is some benefit in replacing the existing phone kiosk with a new structure.
20. Whilst the footprint of the proposed Street Hub unit would be smaller than that of the telephone box, it would be slightly taller and wider and would appear more solid than the existing telephone box. As a consequence, the proposed Smart Hub unit would be more prominent within the street scene. The proposed internally illuminated advertisement panels would add further to the prominence of the proposed Street Hub unit and would look out of scale and context with the street scene. This is due to the combined absence of freestanding or other large internally illuminated advertisements within the immediate street scene and their close proximity to the adjacent older and modest sized shopfronts. For these reasons the proposed Smart Hub unit and associated advertisement panel would noticeably increase street clutter.
21. Both the appellant and the Council have referred to a number of appeals for Street Hub units/kiosks that have been both dismissed and allowed, although few details regarding their appearance and setting are provided. Rather than set a precedent they serve to highlight the need to assess proposals on their individual merits and in light of the prevailing planning policies, as appropriate. The kiosk and associated advertisement panel located a short distance from the appeal site is situated to the front of a large modern four storey building, with tall shopfronts and recessed upper floors. It is also not sited further from road junctions than the appeal site. Accordingly, the setting of this existing kiosk is not directly comparable to that the appeal site.
22. For these reasons I find that Appeal scheme A would materially harm the character and appearance of the immediate area, contrary to Policies D3 & D8 of the London Plan, LP Policies LP1, LP2, LP9 & LP22 and paragraph 136 of the Framework. Appeal scheme B would unacceptably harm the visual amenity within the immediate area and would conflict with the above policies insofar as they are relevant to the proposed advertisements.

Public safety

23. With the proposal the Council has confirmed that a gap of 2.1 metres would be retained in the pavement between the proposed Street Hub unit and the adjacent shopfront. This distance is slightly above the advice set out in the Department for Transport Manual for Streets (2007), which suggests a minimum unobstructed width for pedestrians in lightly used streets. However, it also states that in areas of higher pedestrian flow the quality of walking experience can deteriorate unless sufficient width is provided.

24. The appeal site is located within an area with a high footfall, close to a road junction and where pedestrians stop to view shop displays and enter and exit the adjacent shops. At the time of the appeal site visit this stretch of the pavement was busy and pedestrian flow was restricted in the vicinity of the existing telephone box. The proposed Street Hub unit would reduce the width of the pavement still further. Also, persons wanting to access the proposed communications facilities would likely stand within this resultant gap so that they face the interface panel. This would have an unduly enclosing impact on the pavement and would be highly likely to restrict further the free flow of pedestrian movement.
25. Upper Tooting Road (A24) is a busy road that forms part of the Transport for London Road Network. The proposed Street Hub unit would be sited immediately adjacent to cycle lanes (Cycle Superhighway 7) on both sides of the A24. It would also be close to two road junctions, with a controlled pedestrian crossing a short distance beyond.
26. The proposed advertisements would be internally illuminated and would face on coming traffic in both directions. It is acknowledged that the illuminated signs would benefit from automatic screen dimming to control the brightness. Notwithstanding this, due to their proximity, size and illumination the advertisements could distract drivers and cyclists approaching from both directions along Upper Tooting Road as well as those accessing/exiting Letchworth Road and Hereward Road.
27. For these reasons the proposed Street Hub unit and associated display of illuminated advertisement panels would have an Unacceptable harmful impact on vehicular and pedestrian highway safety. In this respect Appeal scheme A would conflict with policies D3, D8, T2 & T4 of the London Plan and LP Policies LP1, LP9, LP22, LP49 & LP50. Appeal scheme B would conflict with these policies insofar as they are relevant to the proposed advertisements.

Other Matters and Planning Balance

28. The proposal would result in the removal of an existing telephone box on the appeal site. As pointed out above there is some visual benefit in replacing the existing telephone box with a new structure. However, the proposed Street Hub unit would cause demonstrable harm to the character and appearance of the immediate area and would have a harmful impact on public safety. This limits the weight I give to the benefits that would result from the removal of the existing telephone box.
29. The proposed Smart Hub unit would include a digital BT phonebook; weather information; maps; two USB ports; easy touch emergency button; hearing induction loops; high-contrast large-type labels; speech to text facility; talk back functionality; and familiar tablet interface. Its advertisement panels would be used for internally illuminated static commercial advertisements and public notices (5% screen time), which would be displayed at 10-second intervals. The proposed Hub would be regularly maintained, fully monitored and would include features to minimise nuisance and anti-social behaviour and would provide easy phone access to four national charities.
30. These are all factors that deliver a number of public benefits. They would comply with various policies in the LP, the London Plan and various paragraphs in the Framework which support high quality communications infrastructure

and the expansion of electronic communications network, including mobile technology.

31. Although I acknowledge that the proposed Street Hub unit is part of a wider roll out scheme, the appeal proposals need to be assessed on their own merits. The contribution the proposal would make to the objectives of the above mentioned policies would be modest. Accordingly, I give moderate weight to the collective public and community benefits.
32. Finally, I acknowledge that the appellant submitted a pre-application prior to submitting the appeal application. However, as this does not affect the merits of the appeal proposals, it is a matter that attracts neutral weight.
33. As set out in this decision, the proposal would result in material harm to both the character and appearance of the immediate area and vehicular and pedestrian highway safety. Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Consistent with this the BPMND advises that good siting and design principles should apply to all wireless network development. Accordingly, I give substantial weight to the identified harm.
34. In relation to Appeal A, I find that both individually and cumulatively, the benefits that would result from the proposal fail to outweigh the harm identified and the associated conflict with the development plan. In relation to Appeal B, the 2007 regulations states that advertisements should be subject to control only in the interests of amenity and public safety. The appeal has been assessed on this basis and the harm caused to both amenity and public safety outweighs the benefits that would result from the proposed advertisements.

Conclusions

35. For the reasons set out above and having regard to all other relevant material considerations, I conclude that Appeal A should be dismissed and Appeal B should be dismissed.

Elizabeth Lawrence

INSPECTOR