



Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal A Ref: APP/E5900/W/22/3311631

Footpath on the junction at the corner of Pennyfields and A1261, London, E14 8HP

- 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 Tower Hamlets.
 - The application Ref PA/22/01008, dated 13 May 2022, was refused by notice dated 25 September 2022.
 - The development is for the proposed removal of the 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/E5900/H/22/3311633

Footpath on the junction at the corner of Pennyfields and A1261, London, E14 8HP

- 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 Tower Hamlets.
 - The application Ref PA/22/01004, dated 13 May 2022, was refused by notice dated 25 September 2022.
 - The advertisements proposed are described as "two digital 75-inch LCD display screens, one on each side of the Street Hub unit".
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the proposed removal of the 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 the footpath on the junction at the corner of Pennyfields and A1261, London E14 8HP in accordance with the terms of the application, Ref PA/22/01008, dated 13 May 2022, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed, and express consent is granted for two digital 75-inch LCD display screens, one on each side of the Street Hub unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Preliminary Matters

3. There are 2 appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area and upon highway and pedestrian safety. The main issues in respect of Appeal B are the effect of the proposed advertisements on the visual amenity of the area and public safety.

Reasons

Character and appearance/Visual Amenity

5. The appeal site relates to a wide area of pavement on the West India Dock Road near the Westferry Docklands Light Railway station. The footway at this point is set against a backdrop of mature trees within the adjacent Pennyfields Green. In terms of existing street furniture, there is a single telephone kiosk plus a number of cabinets, bollards, lamp posts and street signs in the immediate setting.
6. Transport for London's (TfL) Streetscape Guidance (2022 revision 2) (Streetscape Guidance) is clear that street furniture is best placed within a furniture zone as it allows a consistent arrangement which maximises the unobstructed width of the footway for pedestrian use.
7. The existing kiosk and cabinets are located at the back of the footway on the boundary with the local vegetation, where they would least affect pedestrian movement along the pavement. The proposed Street Hub would be positioned close to the existing street furniture, with the site plan indicating a substantial unimpeded gap of approximately 5.6 metres to the kerblineline. To my mind while the Street Hub would take up additional space on the pavement, it would be modestly positioned towards the inner edge and would not appear discordant within the setting.
8. In respect of the appearance of the Street Hub, its modern design and dark materials would be in keeping with the colour and design of other street furniture in the area allowing it to integrate well with its surroundings. In terms of the proposed advertisements, there are other examples in the streetscene, including signs on nearby retail premises. The appeal site is in a neighbourhood where such premises would also be illuminated in the evening and where the street would be well-lit by regular streetlamps. The illuminated advertisements would therefore not appear out of place.
9. With regard to Appeal A I conclude that the proposal would assimilate with the character and appearance of the area. It would meet Policies D.DH1, D.DH2, D.DH4, D.DH10 and D.DH11 of the Tower Hamlets Local Plan 2031 (2020) (THLP) and Policies D3, D4, D5 and D8 of the London Plan 2021 (LP), which together attempt to encourage walking, cycling and public transport use by ensuring the public realm is well-designed and attractive. It would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

10. In terms of Appeal B, and in accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy D.DH10 of the THLP seeks to ensure advertisements are well-designed and well-integrated within the public realm. As such, this is a material consideration insofar as it relates to this appeal.
11. I conclude, therefore, that the advertisement would not have a harmful effect on the visual amenity of the area. The scheme would meet with the objectives of the above policy.

Highway and Pedestrian Safety/Public safety

12. The Street Hub containing the proposed advertisements would be positioned in close proximity to a pedestrian crossing point on Pennyfields. I note the concerns of the Council's Highways Group on this ground, however there is good visibility of the site and surrounds for motorists approaching along the A1261. Furthermore, I have not been provided with any accident data to support the issues raised or to suggest that there are public safety matters locally. The location of the Hub would not obstruct the free flow of pedestrians along the footway, and therefore would allow the remaining space to be used efficiently by pedestrians and cyclists.
13. Moreover, as reasoned previously, the area would be well-lit at night and there are other sources of illumination nearby. This would reduce the contrast between the adverts and their surroundings making them less prominent. The adverts would also be of a modest size, similar to others in the area. Most importantly, both the illumination of the adverts and frequency in the change of their displays can be controlled by condition. Therefore, provided that other effects that can cause distraction, such as flashing lights and moving elements within the display, are also controlled by condition, in respect of Appeal B, I conclude that the proposal would not compromise public safety.
14. As such, the proposal accords with Policies D.DH10 and S.TR1 of the THLP, which seek to promote and prioritise the safety of pedestrians and cyclists and are therefore material in this case. In addition, it would also meet with Policies T1, T2, T3 and T4 of the LP regarding public safety.

Conditions

15. For Appeal A, I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with those proposed in the application particulars would provide for a satisfactory appearance.
16. To protect the character and appearance of the area and the function of the public realm, it is also necessary to impose a condition requiring the existing telephone kiosk close to the appeal site to be removed and the footpath reinstated before the Street Hub is installed. As this is clearly stated to be part of the proposal in the appellant's statement of case and forms part of the description of the development, it is not necessary to have this pre-commencement condition agreed by the appellant.
17. For Appeal B, a series of standard conditions are applied as required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of

Advertisements) (England) Regulations 2007, including limiting the consent to five years. In addition, in the interests of visual amenity and highway safety, I have restricted the intensity of the illumination of the adverts.

18. Also, to further ensure highway safety is not compromised it is necessary to impose conditions controlling the frequency of change in display of the proposed adverts, as well as to restrict other visual effects that could cause a distraction to drivers.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B are allowed.

C Hall

INSPECTOR

Schedule of conditions (Appeal A)

- 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: BT STREETHUB TOH-213 Rev.A, TOH-213 Existing and Proposed Views
- 3) The external finishes of the development hereby permitted shall be constructed in accordance with the materials identified in the application form and approved drawings and shall be retained thereafter.
- 4) No development shall take place until the existing telephone box at the site (E538237, N180743) has been removed and the footpath reinstated.

Schedule of conditions (Appeal B)

- 1) The advertisements permitted by this consent shall be carried out in accordance with the following approved plans: BT STREETHUB TOH-213 Rev.A, TOH-213 Existing and Proposed Views
- 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² between dusk and dawn and no greater than 2500 cd/m² at all other times.
- 3) The minimum time between successive displayed images of the advertisements permitted by this consent shall be 10 seconds and any sequential change between advertisements will take place over a period no greater than 1 second.
- 4) The advertisements permitted by this consent shall have no special effects (including noise, smell, smoke animation, exposed cold cathode tubing,

flashing, scrolling, three dimensional, intermittent, or video elements) of any kind.

- 5) The advertisements permitted by this consent shall have no visual effects of any kind to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.