



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/22/3311621

Footpath to front of 262 Poplar High Street, London E14 9RL

- 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/22/01007, 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/22/3311627

Footpath to front of 262 Poplar High Street, London E14 9RL

- 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/22/01006, 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 dismissed.

Appeal B

2. The appeal is dismissed.

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.
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Reasons

Character and appearance/Visual Amenity

5. The appeal site relates to a section of pavement on Poplar High Street. This part of the thoroughfare is dominated by shops, offices and apartments and is an busy area for traffic and pedestrians. While the footway is relatively wide here, it narrows a short distance to the west. It contains various items of street furniture which give it a somewhat cluttered appearance. Together with a number of trees at the junction with Prestons Road, there are bike stands, railings, lamp posts, road signs and a litter bin. There is also an ATM in the wall of the adjacent supermarket.
6. The proposed Street Hub would be located prominently on the pavement, appearing as a large flat panel which would be positioned to directly face pedestrians. I recognise that the site is not located with an area designated for its heritage value, and that the existing telephone box on the opposite side of the road would be removed, however this is modestly positioned in a recess; as such the proposed Hub would be a good deal more conspicuous than the kiosk it would replace. It would represent a discordant feature on an already cluttered part of the pavement.
7. The proposed advertising display would be broadly compatible with the commercial nature of street frontage in this location and the illuminated shop and restaurant frontages. This notwithstanding, the placement of the proposed display would make it unduly prominent for the reasons given above. I therefore conclude on this issue that the proposal would harm visual amenity.
8. With regard to Appeal A, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would contravene 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 inconsistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.
9. 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.
10. I conclude, therefore, that the advertisements would be deleterious to the visual amenity of the area. The scheme would fail to meet with the objectives of the above policy.

Highway and Pedestrian Safety/Public safety

11. Poplar High Street is a heavily trafficked road, and the appeal site is located close to a signalised crossroads with pedestrian crossings. This combination of factors requires motorists to have particular focus in order to avoid conflict with other road users in this busy area.

12. The new Hub and advertisement would be orientated towards motorists travelling in broadly easterly or westerly directions along Poplar High Street. Being a straight stretch of road, this would allow drivers time to register the new form of advertising at the site. However, I saw that this would not be the case for motorists entering Poplar High Street from Prestons Road to travel west, and meeting with pedestrians using the crossing at this point.
13. The Planning Practice Guidance identifies that the types of advertisements which may cause harm to road users which include internally illuminated signs with frequent changes of display. It also states that advertisements at points where drivers need to take more care are more likely to affect public safety, and this includes pedestrian crossings.
14. Within this context the proposed style of the advertising would be distracting, in a position where motorists crossing the path of other road users would not have an opportunity to register the advertisement in advance when navigating the junction from Prestons Road onto Poplar High Street. As a result, the incongruous advertisement would reduce motorists' attention when they require particular focus on this busy carriageway to avoid conflict with other road users, increasing the risk of incidents in the area.
15. The proposed kiosk would have a relatively small footprint and considering that the pavement is comparatively wide at this point, to my mind the Hub would not interfere with the free flow of pedestrians to any harmful extent. This however does not counterbalance the detriment I have reasoned previously.
16. As such, the proposal would fail 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 contravene Policies T1, T2, T3 and T4 of the LP regarding public safety.

Other Matters and Planning Balance

17. The appellant cites a number of other proposals granted permission; however, these cases are a considerable distance from the appeal site, and their character and local road conditions would be distinctly different. As such, these decisions do not alter my findings.
18. The proposals would also provide a number of other benefits to the local community, which in summary include ultrafast Wi-Fi, environmental monitoring (including air quality, noise, and traffic), 5G mobile network coverage, free phone calls, access to charities, Council services, and BT's phone book, local weather information, maps, wayfinding, rapid device charging, free public and community messaging, discount advertising for local business groups, payment of business rates when requested by the Council, and access to public and emergency services.
19. All these benefits would be in compliance with a number of the Council's development plan policies, relevant policies of The London Plan, and relevant paragraphs of the Framework, including paragraph 114 of the Framework which provides that, amongst other things, advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).

20. Whilst I also appreciate that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, given that the Street Hub's individual contribution to the above-mentioned policy objectives would likely be modest, I have given the collective benefits of the proposals to the public and the local community moderate weight in support of the proposals.
21. The proposal would give rise to adverse impacts in relation to the unacceptable effect on the character and appearance of the area, and on highway safety, in the terms I have described above. As the Framework provides at paragraph 126 that, amongst other things, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, I ascribe substantial weight to these harms.
22. Considering this, in relation to Appeal A, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.
23. In relation to Appeal B, a similar range of benefits would arise via the proposal. However, the 2007 Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety. Appeal B has been assessed on this basis. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

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

C Hall

INSPECTOR