



Appeal Decisions

Site visit made on 15th November 2023

By Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 06.12.2023

Appeal A Ref: APP/N5660/W/23/3316134 Outside 74 Albert Embankment, London SE1 7TL

- 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 J C Decaux UK Limited & Thomas Johnston against the decision of the London Borough of Lambeth.
 - The application Ref.21/04828/FUL, dated 15 December 2021, was refused by notice dated 23 December 2022.
 - The development proposed is described as "The replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display, as illustrated in the attached documentation."
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Appeal B Ref: APP/N5660/H/23/3316137 Outside 74 Albert Embankment, London SE1 7TL

- 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 J C Decaux Limited & Thomas Johnston against the decision of the London Borough of Lambeth.
 - The application Ref.21/04829/ADV, dated 15 December 2021, was refused by notice dated 23 December 2022.
 - The advertisement proposed is described as "The replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display, as illustrated in the attached documentation."
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Decisions

Appeal A Ref: APP/N5660/W/23/3316134

1. Appeal A is dismissed.

Appeal B Ref: APP/N5660/H/23/3316137

2. Appeal B is dismissed.

Procedural Matters

3. There are two appeals relating to the same 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.

4. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

Main Issues

5. The appeal site is in the Albert Embankment Conservation Area "CA". The main issue for Appeal A is whether the proposal would preserve or enhance the character and/or appearance of the CA. The main issue for Appeal B is the effect of the advertisement on amenity with regard to the CA.

Reasons

6. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The appeal proposal is for the replacement of an existing enclosed telephone kiosk (incorporating a non-illuminated static poster advert) with a new multi-functional communication hub featuring a digital display on one side and a network access/telephone facility and 32" touchscreen, and defibrillator on the other. The digital advertisement screen would portray static, sequentially changing advertising images, changing instantaneously every 10 seconds.
8. The appeal site is towards the outer edge of a wide pavement which is in front of railway viaduct arches which house some commercial uses. The Albert Embankment road at this point is wide and the site is on the eastern side outside no.74 close to the junction with New Spring Gardens Walk which passes under one of the arches.
9. In the vicinity there are, amongst other things, street trees, outdoor seating and a wide area of raised soft landscaping which separates the commercial uses from the wide pavement, rendering them less visible in the streetscene. There is an existing phone kiosk which is proposed to be removed and it is about 5m from the proposed new communications hub. The road is a busy one and vehicles travelling southwards would be closest to the proposed hub and be closest to the proposed new digital advertising screen.
10. Other street furniture in the vicinity includes a litter bin, road signs, streetlights, digital advertising (a BT communications hub) and a bus shelter with advertising panels. In spite of a busy and wide road, a successful, distinctive and sympathetic pedestrian environment has been created in the area.
11. The CA extends along one half/side of the River Thames, with views from it to the Westminster World Heritage Site 'WHS'. Its significance includes its relationship with the cityscape along both sides of the Thames, including views of the WHS and the multitude of landmarks and heritage assets along the Embankment. Standing on the appeal site itself the view to the west is of the large post war buildings on the west side of the Albert Embankment including Camelford House and there are no direct views to the WHS but it is nevertheless part of the 'approaches' to the WHS as well as being within the CA itself.

12. While the appeal site is not on the riverside itself, the Albert Embankment Conservation Character Appraisal May 2017 'Appraisal' highlights this part of the CA as providing open space and greenery. I agree with this and found the pedestrian environment to be sympathetic as I have said above.
13. The proposed location of the hub is in close proximity to the WHS which means that it is located within its 'approaches' i.e. the public realm leading to the WHS. In accordance with the WHS Management Plan the Council is committed to managing these approaches to ensure they present a high quality, clutter-free public realm. The Appraisal notes that illuminated bus shelter advertisements and free-standing and advert panels cause harm to visual amenity on Albert Embankment resulting in harm to the approach to the WHS.
14. As the proposed hub would replace the existing telephone kiosk, it would not add to the physical clutter within the pavement. Nevertheless, it would be slightly taller than the existing kiosk, and due to its design, colour and permanently illuminated LCD advertisement display would have an overtly more modern and eye-catching appearance. Consequently, it would have a greater degree of prominence in the streetscene which I consider to be an addition to visual clutter, and it would introduce an incongruous element that would harm the significance of the CA. It would distract from the 'approaches' to the WHS and work against the policy objective of removing discordant features in the CA and WHS approaches. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screens were carefully controlled.
15. For these reasons, I find that the proposals would be materially more harmful than the existing telephone kiosk. They would be harmful to the visual amenity of the area and would not preserve or enhance the character or appearance of the CA.
16. I would class the harm to the CA as 'less than substantial' harm. However, the presence of harm is of considerable importance and weight. Applying paragraph 202 of the NPPF, it is necessary to weigh any public benefits of the proposal against the harm. In this regard, the NPPF indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed hub would make a positive contribution to these aims, including through provision of a defibrillator, free ultrafast wi-fi access, free phone calls to landlines and charities, rapid connection to emergency services, device charging, an emergency messaging system and public information displays, the public benefits arising from this development would, in practical terms, only be modest. Thus, I find overall that the public benefits would not outweigh the harm I have identified.
17. The proposals would therefore be contrary to policies Q17, Q19 and Q22 of the Lambeth Local Plan 2020-2035 (adopted 2021) and policies HC1 and HC2 of the London Plan 2021, and the NPPF.

Conclusion

18. I have found that the proposals would be harmful to visual amenity and would not preserve or enhance the character or appearance of the CA. In relation to Appeal A, there would also be conflict with the development plan and the NPPF

in these regards. This harm is not outweighed by any public benefits that would arise. Accordingly, both Appeal A and Appeal B are dismissed.

Megan Thomas K.C.

INSPECTOR