



Appeal Decisions

Site visit made on 1 September 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND January 2024

Appeal A Ref: APP/V1260/W/22/3308348

106 High Street, Poole BH15 1DB

- 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 Ben Porte of New World Payphones against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/22/00767/F, dated 31 May 2022, was refused by notice dated 9 August 2022.
 - The development proposed is replacement of existing double telephone kiosk(s) with new single telephone kiosk, which includes integrated digital advertising display.
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Appeal B Ref: APP/V1260/H/22/3308244

106 High Street, Poole BH15 1DB

- 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 Ben Porte of New World Payphones against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/22/00768/A, dated 31 May 2022, was refused by notice dated 9 August 2022.
 - The advertisement proposed is illuminated digital advertisement display integrated within replacement Telephone Kiosk.
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Decision

Appeal A Ref: APP/V1260/W/22/3308348

1. The appeal is dismissed.

Appeal B Ref: APP/V1260/H/22/3308244

2. The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ in that Appeal A is for a new single telephone kiosk whilst Appeal B is an integrated digital advertising display. Appeal B would be an integral part of Appeal A so although I have considered each appeal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The appeal site is in the Town Centre Heritage Conservation Area and therefore I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. There are also Listed Buildings close by including Nos 102, 102a and 117 High Street, therefore I have had regard to the desirability of

preserving a Listed Building or its setting or any features of special architectural or historic interest as required under Section 66(1) of the Act.

5. Local Plan¹ Policy PP30 reflects these statutory duties. Further advice is provided in the Council's Heritage Assets SPD². I also note that there are locally listed buildings in close proximity to the appeal site including 104, 106 and 119 High Street and that the High Street is included in the Poole High Street Action Zone (HSHAZ) programme which is jointly managed by the Council and Historic England. Amongst other things, its objectives include repairing and revitalising the historic environment³.
6. In relation to Appeal B, the Council's reason for refusal refers to development plan policies and the National Planning Policy Framework (the Framework). However, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety. Therefore, although I have taken the Framework and the development policies into account, they have not been decisive considerations in my determination of that appeal.

Main Issues

7. The main issue with respect to Appeal A is whether the proposal preserves or enhances the character or appearance of the Town Centre Heritage Conservation Area and the setting of the nearby Listed Buildings, in particular 102, 102A and 117 High Street.
8. With regard to Appeal B, no concerns have been raised regarding public safety and from the evidence before me I see no reason to disagree. Therefore, the main issue with respect to Appeal B is the effect of the proposed advertisement on the amenity of the area.

Reasons

9. There is an existing double telephone kiosk set against the wall of 106 High Street, a corner property at the junction of Hill Street and High Street within the Town Centre. The area is pedestrianised and a wider section of paving narrows at the junction with No 106. The existing phone boxes are therefore in a narrowing section of the pedestrian thoroughfare. At the time of my visit to the site, the adjacent café had sectioned off an area for outside tables which as well as seating to the café also enclosed the phone kiosks with free standing A boards and advertising barriers.
10. The High Street comprises a mix of buildings reflecting different historical periods and styles including Georgian, Victorian and the 1930's eras and represent the many changes that the Harbour at Poole and the Town Centre have undergone from as early as the 17th Century to modern regeneration initiatives. The Council's Conservation Appraisal⁴ documents the growth and challenges that faced Poole thorough the ages. No 106 High Street is described as a former bank and the wider open area at the junction of Hill Street and High Street is described as an important meeting place.

¹ Borough of Poole – Poole Local Plan 13 November 2018 – Full Council.

² Heritage Assets Supplementary Planning Document, Adopted 23 April 2013.

³ Historic England – High Street Heritage Action Zones Programme – Programme Design Poole High Street, December 2019 – BCP Council.

⁴ Town Centre Heritage, 2012 – Part 1: Background & History – Part 2: Character Statement.

11. The significance of the Conservation Area is derived from the historic connection between the development of Poole Harbour and the town and its accompanying merchants housing and later commercial changes. Likewise, the significance of the Listed Buildings referred to above are derived from their location and their representation of the historical development of this area.
12. The proposed kiosk would provide a new telephone system with the ability to take payments in a variety of ways; a 24 inch LCD display providing an interactive map/wayfinding purposes; equipment for the provision of public Wi-Fi access points and/or equipment for the provision of public small-cell access nodes; location-based information; and a display for advertising purposes.
13. Whilst the existing telephone kiosks are not particularly attractive, they are modest in scale and positioned with their backs against the wall of No 106. The replacement kiosk is described by the appellant as being a distinctive and modern telephone kiosk which retains the design influence and heritage of traditional UK phone boxes. However, whilst I agree that it would represent a modern upgrade of a telephone kiosk, I disagree that it would be sympathetic to this heritage location or the specific characteristics of this pedestrianised, narrow section of the thoroughfare through the Town Centre.
14. The kiosk would have a smaller footprint than the two kiosks that it would replace and thereby reduce the amount of clutter by a small amount but it would be taller and project out further into the pavement. It would be a substantial and dominant structure in the street scene.
15. This large, permanent structure would have a far greater impact and as such fail to preserve or enhance the character or appearance of the Conservation Area. Furthermore, the setting of the above mentioned listed Buildings are an integral part of the character of the area and, notwithstanding that the proposal would replace the existing kiosks, this setting would be harmed by the introduction of this large and prominent structure.
16. The proposed advertisement would be an integral part of the kiosk structure and although there is a free standing street map in the open area to the north of No 106 at the junction of High Street and Hill Street, other signage is mainly restricted to fascia signs. However, as referred to above, there is a substantial amount of free standing A boards which add clutter and detract from the visual appearance of the area but these are temporary in nature and individually much smaller than the proposed advert within the proposed telephone kiosk.
17. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposals, I find the harm caused would be less than substantial. Under such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal.
18. The Appellant states that following feedback from local businesses, the proposal is a direct response to historic problems associated with the existing kiosks including anti-social behaviour and lack of access for people with mobility impairments. The design of the new kiosk seeks to reduce the potential for anti-social behaviour and improve accessibility and the range of facilities open to the public. Furthermore, the Appellant intends the advertisement to be a platform for a range of messages including information

for local residents and visitors regarding local services, events and news as well as for commercial uses. These would amount to public benefits which carry moderate weight.

19. Furthermore, the Framework confirms that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. It also seeks to support the expansion of electronic communications networks. However, these considerations are not without regard to the Framework as a whole.
20. I note that the footprint of the proposed kiosk, especially when compared with the two existing kiosks, would not impact on pedestrian movements. I also note another scheme for advertisement consent to a kiosk in 2017 referred to by the Appellant. However, this relates to the advertisement only and is not in a location sufficiently close to the appeal site as to be a particular characteristic of the area that would mean that the proposal, subject to these appeals, would be acceptable.
21. The kiosk would fail to preserve or enhance the character or appearance of the Town Centre Heritage Conservation Area and the setting of the nearby Listed Buildings, in particular 102, 102A and 117 High Street. As such the proposal under Appeal A would conflict with Local Plan Policy PP30 which, in addition to requiring development to preserve or enhance Poole's heritage assets, requires development in Conservation Areas and/or affecting Listed Buildings to enhance or better reveal the significance of the site within the street scene and wider setting and ensure signs and advertisements reflect the historic nature of the area. Furthermore, in seeking to achieve a good standard of design, Local Plan Policy PP27 seeks to achieve development that is compatible with surrounding uses, would not result in a harmful impact upon amenity and provides an attractive public realm.
22. The advert would be very prominent and visually intrusive and at odds with the historical context of the Conservation Area and the Listed Buildings. As such, the proposal under Appeal B would have a harmful effect on the visual amenity of the area. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant to Appeal B.

Other Matters

23. The Appellant indicates a commitment to plant a tree in a location to be agreed with the Council for every kiosk proposed for an upgrade. Whilst the appellant indicates this could be secured by agreement under either Section 278 of the Highway Act 1980 or Section 106 of the Town and Country Planning Act 1990, no further information has been provided about this potential provision. In addition, the appellant states an offer to the Council to make use of the advertisement display for one ten second slot in each hour at no cost to the Council. Notwithstanding that these indicate an intention by the appellant to liaise with the Council with regard to these matters, the harm I have identified to the heritage assets would not be overcome.

Conclusion

24. I conclude that Appeal A would fail to preserve or enhance the character or appearance of the Town Centre Heritage Conservation Area and the setting the nearby Listed Buildings, in particular 102, 102A and 117 High Street. Appeal B

would have a harmful effect on the visual amenity of the area. There are no other material considerations, including the provisions of the Framework, which outweigh my findings. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B be dismissed.

J D Clark

INSPECTOR