



Appeal Decision

Site visit made on 21 May 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28th May 2024

Appeal A Ref: APP/Q5300/W/23/3330077

**Pavement after Junction Bridge Road, Fore Street, Edmonton Green,
Enfield N9 0NN**

- 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 Thomas Johnston (JC Decaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/01923/FUL dated 15 June 2023, was refused by notice dated 9 August 2023.
 - The development proposed is the installation of a multi-functional communication hub
 - to replace telephone kiosk.
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Appeal B Ref: APP/ Q5300/H/23/3330078

**Pavement after Junction Bridge Road, Fore Street, Edmonton Green,
Enfield N9 0NN**

- 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 Thomas Johnston (JC Decaux UK Ltd) against the decision of the Council of the London Borough of Enfield.
The application Ref 23/01924/ADV dated 15 June 2023, was refused by notice dated 9 August 2023.
 - The advertisement proposed is the installation of a multi-functional communication hub
 - to replace telephone kiosk.
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Decisions

1. Appeal A is allowed and planning permission is granted for the installation of a multi-functional communication hub to replace telephone kiosk at Pavement after Junction Bridge Road, Fore Street, Edmonton Green, Enfield N9 0NN in accordance with the terms of the application, Ref 23/01923/FUL dated 15 June 2023, subject to the conditions set out in Schedule 1 to this decision.
2. Appeal B is allowed and express consent is granted for the installation of a multi-functional communication hub to replace telephone kiosk. The consent is for five years from the date of this decision and is subject to the five Standard Conditions set out in Schedule 2 of the Regulations and the additional conditions set out in Schedule 2 to this decision.

Preliminary Matters

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the street hub and advertisement are linked, I have dealt with them together to avoid duplication. I have taken the description of development from the Council's decision notices for both appeals.

4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.
5. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by my taking this approach.

Main Issue

6. For Appeal A, the main issue is the effect of the proposal on the character and appearance of the area, having regard to designated and non-designated heritage assets.
7. For Appeal B, the main issue is the effect of the proposal on visual amenity.

Reasons

8. The site is an area of footpath on Fore Street to the north of the junction with Bridge Road, currently occupied by a telephone kiosk in close proximity to other street furniture such as a lamppost and traffic lights, and falling within the Fore Street Conservation Area (the CA). The proposals seek to replace the telephone kiosk at the site with a multifunctional communications hub and advertisement display.
9. The immediate section of the CA is somewhat mixed. Immediately to the south of the Bridge Road junction lies the non-designated heritage asset (NDHA) of the Town Hall Buildings. These are a parade of early 19th century three storey buildings, the upper floors of which demonstrate traditional, historic detailing that, even acknowledging the retail park opposite, remains evident in the surrounds and contributes positively to the CA. However, the character of this part of the CA changes to north of the Bridge Road junction. The parade of traditional shops on the western side of the road are replaced by the open space of The Green, such that this section of Fore Street is visually dominated by the contemporary retail park and apartment buildings opposite the appeal site.
10. The proposal would sit in a similar position to the existing kiosk, and would be of a similar height and width, but due to the 'L' shaped nature of the current structure would occupy a reduced section of the footpath. Although adjacent to The Green, it would be experienced alongside street furniture such as traffic lights and a lamppost, such that it would assimilate in the footpath. Its replacement of the current kiosk would also ensure that it would not create an undue sense of clutter or visually disrupt the openness of The Green and the contribution this makes to the surrounds.
11. The solid LCD screen would, compared to the glazed nature of the current kiosk, result in the proposal being more noticeable in the surrounds, while the proposed advertisements would also highlight the presence of the hub due to their illumination and changing nature. However, the proposal would be to the north of the Bridge Street junction where, although within the CA, it would primarily be experienced in the context of the range of contemporary buildings and commercial uses, including their associated range of signage. As such, even noting the proposed illumination of

advertisements, overall the hub and advert display would not detract from the immediate character, or appear as incongruous or unduly modern additions.

12. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The CA is a designated heritage asset. Even acknowledging the presence of the Town Hall Buildings and the open nature of The Green, in wider views of and within this part of the CA, the proposal would be experienced in its mixed setting, notably separate from the more traditional architecture and detailing and sited among a more contemporary part of the CA. As such, even giving great weight to the conservation of the CA, paying special attention to the desirability of preserving or enhancing the character or appearance of the CA, and acknowledging it is identified as being at risk of being lost through neglect, decay or deterioration, the proposal would nevertheless preserve the character and appearance of the CA.
13. The Framework also calls for the effect of an application on the significance of a NDHA to be taken into account. The Town Hall Buildings are a NDHA, in the setting of which the proposal would be located. While the upper floors have a traditional and historic character, modern commercial and residential premises, including the varied street-level facades and signage of the Town Hall Buildings, also make up its setting. Set back from the NDHA alongside other street furniture and contemporary structures, the proposal would not appear out of place. It would not detract from the setting of the NDHA or the ability to appreciate and understand it. Overall it would not have a harmful effect on the significance of the Town Hall Buildings.
14. Reference has also been made to the locally listed Edmonton Station. Although representing an example of traditional architecture to the north of the Bridge Street junction, this sits some distance from the site. Even if I were to find the proposal to fall in its setting, that setting is notably contemporary, comprising a variety of modern commercial and residential buildings and a range of street furniture, including a nearby communication hub with LCD screen on the opposite side of Fore Street. As such, the proposal would not be out of place in this setting or have a harmful effect on the significance of Edmonton Station.
15. The Council also refers to a nearby listed war memorial, but provides little further information. A memorial sits further south on Fore Street but the distance between it and the appeal site, and the significant level of varied, intervening development, mean that the proposal would not result in harm to this memorial or its setting.
16. With regard to Appeal A, for the reasons given the hub would not cause harm to the character and appearance of the area, having regard to designated and non-designated heritage assets. As such, there would be no conflict with Policies D8 and HC1 of the London Plan 2021; Policies CP30 and CP31 of the Enfield Plan Core Strategy 2010-2025; and Policies DMD37 and DMD44 of the Improving Enfield Development Management Document 2014 (the DPD) insofar as they seek to ensure good design that is related to and has special regard for local and historic context and that has regard to the special characteristics of heritage assets, conserving their significance and preserving their setting.
17. With regard to Appeal B, for the reasons given, the advertisement would not cause harm to the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would comply with those policies referred to above in this respect, in addition to Policy DMD41 of the DPD insofar as it seeks to ensure advertisements are appropriate to the streetscene and protect the special characteristics of a conservation area.

Conditions

18. I have had regard to the suggested conditions, which I have considered against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. In the interests of certainty it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans. To protect the surrounding character I have imposed a condition that materials shall be in accordance with the provided product statement. I have also attached a condition relating to the management of the hub, which is necessary for public safety.
19. With regard to the advertisement consent, the conditions set out in the attached schedule are in addition to the five standard conditions set out at Schedule 2 of the Regulations. These standard conditions are not repeated in the schedules. I have not attached a condition relating to plans in this case as I am granting express consent. Conditions relating to the maximum luminance, the need for images to be static and not resembling traffic signs, and the minimum display time and instantaneous change of images are necessary in the interests of amenity and public safety.

Conclusion

20. For the reasons given above and having had regard to all other matters raised, Appeal A and Appeal B are allowed subject to the conditions set out in Schedules 1 and 2 of this decision, respectively.

C Rafferty

INSPECTOR

SCHEDULE 1

SCHEDULE OF CONDITIONS APPEAL A

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following documents submitted with the application: Site Plan and Images, Document A02771; Hub Unit Details; and Pavement Reinstatement.
3. The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the Hub Unit Details.
4. The development shall be managed in accordance with the Unit Management Plan v1 October 2020, for the lifetime of the development.

END OF SCHEDULE

SCHEDULE 2

SCHEDULE OF CONDITIONS APPEAL B

The following conditions are attached to this consent, in addition to the five standard conditions set out in the Regulations, which are not repeated in this schedule.

1. The intensity of the illuminance of the advertisement shall be no greater than 600 candela/square metre between dusk and dawn.
2. The display shall not change more than once every 10 seconds.
3. There shall be no special effects (including moving images, apparently moving images, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, or any images that resemble road signs or traffic signals during the time that any message is displayed.
4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.

END OF SCHEDULE