



Appeal Decisions

Site visit made on 11 April 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal A Ref: APP/Y5420/W/23/3332384

Pavement Outside Tesco's, 230 High Road, Tottenham, London N15 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of InFocus Network Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2232.
 - The development proposed is installation of an advertised communication hub unit with defibrillator.
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Appeal B Ref: APP/Y5420/H/23/3332385

Pavement Outside Tesco's, 230 High Road, Tottenham, London N15 4AJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still of InFocus Network Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/02322.
 - The advertisement proposed is LCD advertisement attached to free-standing communication hub.
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Decision

1. Appeal A is allowed and planning permission is granted for installation of an advertised communication hub unit with defibrillator at Pavement Outside Tesco's, 230 High Road, Tottenham, London N15 4AJ in accordance with the terms of the application, Ref HGY/2023/2232, subject to the conditions set out in Schedule 1 to this decision.
2. Appeal B is allowed and express consent is granted for the display of LCD advertisement attached to free-standing communication hub HGY/2023/2232). at Pavement Outside Tesco's, 230 High Road, Tottenham, London N15 4AJ in accordance with the terms of the application, Ref HGY/2023/2232. 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 2007 Regulations and the additional conditions set out in Schedule 2 to this decision.

Preliminary Matters

3. The appellant has confirmed their name and company is that used in the banner headings above. I have used the address on the appeal form for each appeal as it more accurately describes the appeal site. With respect to Appeal B, I have taken the description from the appeal form as it more accurately describes the proposal for which consent is sought.

4. There are two appeals on this site. Appeal A relates to the refusal of planning permission for the communication hub and Appeal B relates to the Council's refusal to grant advertisement consent. The communication hub and advertisement are integral to each other, and both are the subject of these appeals. I have dealt with each case on its individual merits, but to avoid duplication both proposals are considered together in this decision, except where otherwise indicated.
5. In respect of Appeal B, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the regulations) require that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance confirm this approach. The development plan policies referred to by the Council in their decision notice are not determinative, but I have taken them into account as a material consideration.

Main Issues

6. The main issues for both appeals would be the effect on the visual amenity of the area, including whether they would affect the setting of heritage assets and the effect on highway safety.

Reasons

Visual amenity

7. High Road has a spacious appearance arising from the width of the six lane carriageway and the relatively wide pavements. The site lies outside a superstore with a long frontage but only one opening. Street furniture in the vicinity is limited to traffic signs, bins and cycle stands. These are low structures, colour treated black and so not have an adverse effect on the spacious quality of the streetscene.
8. To the north of the site smaller retail units made active use of their forecourts. Advertisements were fairly restrained. This is typical of commercial centres in urban areas and did not result in an excessive degree of visual clutter.
9. The introduction of the proposed hub would introduce a more substantial structure into the street scene. It would be outside a large modern building in commercial use at ground floor and would not appear incongruous in this context.
10. The advertisement would involve an element of illumination, however this would not be unusual in a commercial thoroughfare. The level of illumination, and frequency and motion of advertisements could be controlled by condition.
11. Appeal A would therefore have an acceptable effect on the visual amenity of the area. It would be in accordance with London Plan (2021) (LP) Policies D3 and D8, Haringey's Local Plan Strategic Policies (2017) (LPSP) Policy SP11, and Development Management DPD (2017) (DMDPD) Policies DM1 and DM3 which inter alia seek a high quality of design in the public realm which respects its local context.
12. Appeal B would not harm 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.

Public Safety

13. High Road is a six lane carriageway which carried a steady stream of traffic at the time of my site visit which was outside of peak hours. The site is some distance from the major junction of High Road with Broad Lane which is a signal controlled junction. There is a further staggered pedestrian crossing to the north of the site. There are no bus stops in the vicinity of the site and the road is straight with good visibility. The proposal would therefore not obstruct any sightlines for road users where it is likely there would be conflict with pedestrians.
14. The proposed hub and advertisement are of a type not uncommon in urban areas. Although the site is within a commercial centre, the large expanse of frontage given over to the superstore limits activity in the street. Activity in the area is therefore likely to be somewhat lower than would be expected from a commercial centre in an urban area. As such, the proposed hub and advertisement would not distract road users displaying due care and attention.
15. The placing of a structure on the highway inevitably would have an effect on pedestrian flow. However, a considerable width of unobstructed pavement would remain. There is other street furniture, such as bins and cycle stands occupying similar positions along the footpath. Pedestrians have to avoid these, meaning any effect on pedestrian flow would be limited due to the need for pedestrians to avoid the existing street furniture.
16. The proposed development would therefore not have an adverse effect on highway safety. There would be no conflict with LP Policies D3 and D8, and DMDPD Policies DM2 and DM3 which, inter alia, require development to create safe environments that respect patterns of movement including by pedestrians and cyclists and ensure sufficient space for movement.
17. Appeal B would not have an adverse effect on public safety. 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.

Other Matters

18. The superstore building and the footpath outside it represents a small exclusion from the Seven Sister / Page Green Conservation Area and the Tottenham Green Conservation Area. The Conservation Areas are contiguous, and the site lies within the setting of both. As they relate to this appeal, the significance of the conservation areas is derived from their historic interest in evidencing the development and uses along High Road. The proposed installation would have a neutral effect on these settings given its limited scale, particularly in the context of the substantial modern building it would sit next to.
19. The proposal would be a sufficient distance away from both the listed building at 220-222 High Road and the locally listed buildings opposite that there would be no effect on their setting.

Conditions

20. In respect of Appeal A, in addition to the standard condition for implementation, I have imposed a condition specifying the approved plans in the interests of certainty.
21. In respect of Appeal B, the regulations impose five standard conditions. In addition to these, in the interests of visual amenity and public safety, I consider it reasonable and necessary to impose conditions restricting the illumination of the display, that the display shall not change at a frequency of more than once every 10 seconds, that there shall be no moving or apparently moving images, or sequencing of images over more than one display, and that the interval between successive displays should be instantaneous.

Conclusion

22. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed subject to the conditions detailed in the attached schedules.

J Downs

INSPECTOR

SCHEDULE 1

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: Communication Hub Unit Elevations, un-numbered Application Site and un-numbered proposed hub unit.

END OF SCHEDULE

SCHEDULE 2

SCHEDULE OF CONDITIONS APPEAL B

Appeal B

- 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
- 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night-time luminance value set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
- 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 6) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

END OF SCHEDULE