



Appeal Decisions

Site visit made on 13 June 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal A Ref: APP/B5480/W/23/3333981

Pavement O/S 18-20 Station Road, Upminster RM14 2UB

- 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 New World Payphones against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1405.23.
 - The development proposed is a new telephone kiosk with single black telephone kiosk and ancillary advertisement.
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Appeal B Ref: APP/B5480/H/23/3333984

Pavement O/S 18-20 Station Road, Upminster RM14 2UB

- 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 New World Payphones against the decision of the Council of the London Borough of Havering.
 - The application Ref is A0053.23.
 - The advertisement proposed is a new telephone kiosk with single black telephone kiosk and ancillary advertisement.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the telephone kiosk and advertisement are inextricably linked in each case. Therefore, to avoid duplication I have dealt with both appeals together having regard to the independent requirements of both the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on each site.
3. In respect of Appeal B, Regulation 17 of the Regulations and the National Planning Policy Framework (2023) (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration though they have not, by themselves, been decisive in my determination.

Main Issue

4. The main issue in both appeals is the effect on amenity having regard to the character and appearance of the area.

Reasons

5. The appeal site is located on the east side of Station Road within Upminster District Centre. The kiosk and its advertisement would be located in front of an existing bar/public house where there is an outdoor seating area located on the frontage. There is also an existing advertisement, street-tree and benches with planters in the immediate vicinity.
6. The wider area contains a number of commercial units, many of which have fascia advertisements some of which appear to be illuminated advertisements. The area is relatively busy with traffic and pedestrians, commensurate with a district level shopping centre. There are also a bus shelter incorporating an advertisement and a standalone digital advertisement.
7. The proposed kiosk and its advertisement would be positioned in part of the street where there is already a significant amount of pavement installations, most notably the seating areas and an existing standalone advertisement. I accept that the wider area has similar installations, however the proposed development would 'tip the scales' leading to a proliferation of outdoor furniture and installations that would create visual clutter and cause harm to the appearance of the area.
8. The proposed digital advertisement, due to its size and illuminated content, would appear striking and visually prominent. Also due to its siting it would protrude harmfully into the street scene, creating an incongruous and alien feature.
9. The appellant suggests that the existing standalone poster advertisement could be earmarked for discontinuance given its worn and tired appearance. There is, however, nothing before me to suggest that it will be imminently removed that would change my findings.
10. I therefore conclude that the proposed development and advertisement would have an unacceptable impact on the amenity of the area. The development would be contrary to Policies D4 and D8 of the London Plan (2021) and Policies 25 and 26 of the Havering Local Plan (2021). Collectively, these policies seek to ensure that development is of high-quality design, that the public realm is well designed and that applications which seek to introduce unnecessary street furniture should be refused.
11. The proposal would also be contrary to the Framework which states that developments should create attractive places and that advertisements should be subject to control only in the interests of amenity and public safety and that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

12. The appellant has outlined how the proposed development would result in the removal of an existing kiosk located on Farnham Road. There is no suggested mechanism before me to secure the removal of this kiosk. It is also a

significant distance from the appeal site. Its removal would not overcome the harm I have identified. I therefore give it limited weight in the appeal.

13. The appellant has referred to a number of other locations in the borough where similar installations have been granted consent. In my opinion, this would represent a reasonable finding that such installations can be appropriate in some locations and not in others, as both myself and the Council have found to be the case at the appeal site.
14. I have considered the conditions suggested by the appellant. I consider that none of them, including those relating to luminance, display time, and changing of images, would overcome the harm to the amenity of the area which I have found would be caused.
15. The proposed development would provide a communications facility for the public. This is a public benefit that weighs in favour of the proposed development. It does not, however outweigh the harm that would be caused to the amenity of the area.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, both Appeals A and B are dismissed.

A M Nilsson

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/B5480/W/23/3333981	New World Payphones
Appeal B	APP/B5480/H/23/3333984	New World Payphones