



Appeal Decisions

Site visit made on 26 June 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal A Ref: APP/Y5420/W/23/3335719

Pavement opposite 214-218 High Road, Tottenham, London N15 5BT

- 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/2023/2739.
 - The development proposed is the installation of an advertised communication hub with defibrillator.
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Appeal B Ref: APP/Y5420/H/23/3335721

Pavement opposite 214-218 High Road, Tottenham, London N15 5BT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Nathan Still of Infocus Network Limited against the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/02231.
1. The advertisement proposed is the installation of an advertised communication hub with defibrillator.
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Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed and express consent for an advertised communication hub with defibrillator is refused.

Preliminary Matters

3. There are two appeals in this site. Appeal B is against the non-determination of an application for consent to display an advertisement under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (The Regulations). The Council declined to determine the application as it was deemed to be similar to a planning application made for the structure upon which the advert is proposed to be displayed. However, the display of advertisements is subject to a separate consent process within the planning system, which is set out in the Regulations. The grant of planning permission would not confer the right to display an advertisement at the site, therefore conversely a determination to refuse an application made under the regulations is necessary.
4. However, both appeals are intrinsically linked and raise similar issues. I have considered each proposal on its individual merit and with regard to the relevant legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

5. In respect of Appeal B, The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should only be subject to control in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as material considerations though they have not, by themselves, been decisive in my determination.

Main Issues

6. The main issues for both appeals are the effect of the development upon:
- The character, appearance and visual amenity of the area, including whether the proposal would preserve or enhance the character or appearance of the Seven Sisters/Page Green Conservation Area; and
 - Highway and Public safety, with particular regard to the safe movement of cyclists and pedestrians.

Reasons

Character, Appearance and Visual Amenity

7. The appeal site is located close to a stepped pedestrian access to Seven Sisters underground station on High Road within a section of pavement which is also designated as a two-way cycleway forming part of the CS1 cycle route. This section of cycle and footway is wide and contains, amongst other things, street signage, bollards, litter bins, street trees and cycle racks. The wide pavement provides a sense of spaciousness which contributes positively to the character of the streetscape.
8. The site is within the Seven Sisters/Page Green Conservation Area (CA). The CA is focussed on High Road and its junction with Broad Lane. The significance of which is derived from the area's historical development around transport routes. The area is a busy, characterised predominantly by commercial premises and shops at ground floor and mixed uses above. The locality features an array of shop frontages advertisements and other signage commonly seen within a high street environment.
9. The proposal would be located within an area of wide pavement. It would be relatively utilitarian in its appearance, due to its wide base and monolithic form. The proposal would appear as a substantial, bulky and stark addition to the street scene. Although, there are other structures, advertisements and modern items of street furniture exist within the CA the proposed structure would be of greater prominence than nearby street furniture, partly due to its position within the pavement and the inclusion of an illuminated advertisement. Consequently, it would be an incongruous addition to the street that would not integrate well with existing features. As a result, the proposal would not preserve or enhance the CA.
10. Accordingly, with regard to appeal A, the proposal would cause harm to the character and appearance of the area. Therefore, it would not accord with London Plan Policies D3, D8 and HC1 which seek to ensure that the public realm is well-designed, having regard to the cumulative impacts of incremental change to the setting of heritage assets. There would also be conflict with Haringey Development Management DPD (2017) Policies DM3,

DM8 and DM9 which seeks to ensure that telecommunications equipment and free-standing adverts do not adversely impact the street scene or character and appearance of a conservation area and do not contribute to clutter.

11. The harm to the CA would be less than substantial. Paragraph 208 of the Framework requires less than substantial harm to be weighed against any public benefits of the proposal. The proposal consists of a communication hub which includes an illuminated advertising screen, defibrillator, data connection point and further services as detailed by the appellant. There would be public benefits arising from the provision of these services. However, they would not outweigh the harm found to the CA. Furthermore, with respect to Appeal B and for the above reasons, the proposal would harm the visual amenity of the area.

Highway and Public Safety

12. The proposal would be located within the footway immediately adjacent to a dedicated cycle route. The cycle route is clearly marked with painted symbols and signage on posts. On my site visit on a midweek morning the area was busy with pedestrians and cyclists, including numerous people standing on the pavement nearby waiting for buses. The underground station is close to Tottenham Hotspur football stadium and acts as interchange between the overground and underground rail network and the bus network in the area.
13. The proximity of the appeal site to the stepped pedestrian access to the underground station means that pedestrians are likely to be moving through the area in large groups. The position of the proposal would significantly reduce the width of available footway between the façade of the buildings and the cycle route. It would therefore be a substantial barrier to pedestrian movement within the street. Whilst it would not prevent people from passing along the street, it would significantly hinder free movement along it. Its siting would compel people, especially those in groups or pushing prams, wheelchairs or bicycles to have to consciously consider how best to pass through the space.
14. For these reasons, the proposal would adversely affect the safe movement of pedestrians and cyclists at this location. Therefore, in respect of Appeal A, the proposal would conflict with London Plan Policies D3 and D8 which seek to ensure that the public realm is safe for all users. There would also be conflict with Haringey Development Management DPD (2017) Policies DM3 and DM8 which seeks to ensure that advertisements do not cause a hazard to pedestrians or road users and do not cause a public safety hazard.
15. In respect of Appeal B, I conclude that the proposed advertisement would unduly harm highway and public safety, with particular regard to the safe movement of cyclists and pedestrians for the reasons given above. I have taken into account the policies of the development plan and the Framework so far as they are material, and where identified the scheme would conflict with the policies referred to above in this respect. The proposed advertisement also conflicts with paragraph 136 of the Framework, in respect of its aim of protecting places from poorly sited advertisements and controlling advertisements in the interests of public safety.

Conclusion

16. The proposal would harm the character, appearance and visual amenity of the area and would not preserve or enhance the character and appearance of the

CA. It would also adversely affect pedestrian and cycle movements in the area. As such, in respect of Appeal A, it would be contrary to the development plan when read as a whole. In respect of Appeal B, it would be detrimental to both amenity and public safety, and as such would conflict with the development plan in so far as it is relevant to the determination of the appeal.

17. The communications hub would, however, provide an efficient, reliable and free to use public service and would incorporate a defibrillator. I have further considered the conditions suggested by the appellant relating to illuminance and restrictions on the display of images within the advertisement panel. Nevertheless, these benefits and measures would not outweigh the harm identified above.
18. Therefore, for the reasons given both Appeal A and Appeal B are dismissed.

KL Robbie

INSPECTOR