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## Appeal Decision

Site visit made on 26 July 2024

**by S Poole BA(Hons) DipArch MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 August 2024**

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### **Appeal A Ref: APP/X5210/W/24/3341451**

**Existing Phonebox, O/S 221 Camden High Street, Camden, London NW1 7HG**

- 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 Martin Stephens of JCDecaux UK Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/2990/P.
  - The development proposed is the replacement of an existing telephone kiosk with an upgraded telephone kiosk
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### **Appeal B Ref: APP/X5210/Z/24/3341453**

**Existing Phonebox, O/S 221 Camden High Street, Camden, London NW1 7HG**

- 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 Martin Stephens of JCDecaux UK Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/4643/A.
  - The advertisement proposed is the display of an LCD digital advertising screen attached to a replacement, upgraded telephone kiosk
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## **Decisions**

1. Appeals A and B are dismissed.

## **Procedural Matters**

2. The pair of appeals relate to the same overall proposal. They differ only in that appeal A is for planning permission and appeal B is for express advertisement consent. I have considered each part of the proposal on its individual merits. However, to avoid duplication I have dealt with the two parts of the proposal together, except where otherwise indicated.
3. In respect of appeal B the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. As descriptions of the proposals are not provided on the application forms I have used the descriptions given on the appeal forms in the banner headings above.

## **Main Issues**

5. The main issues for appeal A are:

- (i) the effects of the proposal on the character and appearance of the street scene and the setting of the Camden Town Conservation Area;
- (ii) whether the proposal would increase opportunities for crime and anti-social behaviour; and
- (iii) the effects of the proposal on highway safety, with particular regard to pedestrian movement.

6. The main issues for appeal B are the effects of the proposal on the amenity of the area and on public safety.

## **Reasons**

### *Background*

- 7. The appeal site comprises an area of pavement occupied by a telephone kiosk that is situated in front of a row of shops close to the junction between Camden High Street and Inverness Street. It is within a relatively wide section of pavement close to the road with a tree and refuse bin to one side and a timber seating box on the other. The site is between Camden Underground Station and Camden Lock, which is a vibrant, busy shopping and tourist area, and it is a short distance outside the Camden Town Conservation Area.
- 8. The appeal proposal would comprise the removal of the existing redundant kiosk and its replacement by a new kiosk which would be similar in respect of its overall dimensions and layout. Unlike the existing kiosk, which includes a display area for printed advertisements on the side facing Inverness Street, the proposal would include a digital advertisement screen measuring about 1m wide by 1.86m in height, which would display static images.
- 9. Planning permission and advertisement consent were granted at appeal in 2022<sup>1</sup> for development described as the replacement of the current enclosed telephone kiosk with an open access Communication Hub. The advertisement consented in 2022 comprised an LCD portrait screen to be used to show static illuminated content. This scheme is similar to the appeal proposal in respect of the siting and nature of the advertisement but would be significantly smaller in respect of its footprint as it does not include a kiosk. I attach significant weight to my colleague's observations in respect of the 2022 appeal where relevant to the matters before me.
- 10. The existing kiosk was in a poor state of repair at the time of my visit and did not appear to be functioning either as a communications facility or for advertising purposes. The Council has advised that the kiosk was erected without planning approval and has become immune from enforcement action.
- 11. I am conscious that if this appeal is dismissed there is a possibility that the existing redundant kiosk could remain in place. However, I consider there to be a far greater likelihood that that scheme for an open access Communication Hub and digital advertisement screen would be implemented given the commercial advantages for the appellant of doing so. For this reason, the

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<sup>1</sup> appeal decisions APP/X5210/W/22/3290364 and APP/X5210/H/22/3290365

scheme granted planning permission and advertisement consent in 2022 represents a fall-back scenario to which I attribute significant weight.

#### *Character, Appearance and Amenity*

12. Whilst the appeal proposal would be similar in size and layout to the redundant kiosk it would replace, it would have a far larger footprint than the fall-back scheme and would feature a larger advertisement display. The combination of the size of the kiosk, and size and illuminance of the display panel, would result in an overall form of development that would be prominent in views looking along Camden High Street towards Camden Lock, particularly at night. In addition, it would lead to an over concentration of street furniture and visual clutter that would have an unacceptable effect on the street scene and the setting of the nearby CA.
13. Due to its siting, size and design the proposal that is the subject of appeal A would have an unacceptable effect on the character and appearance of the street scene. It therefore fails to comply with Policies D1 and D2 of the London Borough of Camden Local Plan (2017) (LP). Amongst other matters, the former seeks to secure high quality design that respects local context and character and integrates well with the surrounding streets, whilst the latter aims to resist development outside a conservation area that causes harm to the character or appearance of a conservation area.
14. I note my colleague's comments in respect of the illuminated digital advertising panel approved in 2022. However, the appeal proposal would include a wider and taller panel which would be more obtrusive and prominent in the street scene. Due to its siting, size, design and the nature of the illuminance the advertisement that is the subject of appeal B would have an unacceptable effect on amenity in the area.

#### *Crime and Anti-Social Behaviour*

15. The Metropolitan Police has advised that the appeal site forms part of one of the major hotspots in Camden Town for drug dealing and there are pre-existing issues with crime and antisocial behaviour. In particular, the Police advise that drug dealers use street furniture to conceal their activities from CCTV cameras.
16. The proposal for which planning permission is sought (appeal A) would create a more enclosed structure than the fall-back scheme and would therefore provide greater scope for anti-social behaviour and the concealment of street crime. Due to its siting and design it would therefore increase opportunities for crime and anti-social behaviour and consequently fails to accord with LP Policy C5, which promotes safer street and public places and the development of pedestrian friendly spaces.

#### *Highway Safety*

17. Camden High Street is a busy shopping and tourist location that experiences high levels of pedestrian activity particularly in the evenings and at weekends. The section of pavement that includes the appeal site is wide and includes a tree, refuse bin and wooden seating cubes within the portion of pavement closest to the road. The appeal proposal would be sited close to the road between the tree and the seating cube. It would therefore be outside the primary zone of pedestrian activity and would not result in any greater impediment to the flow of pedestrians than would result from the

implementation of the fall-back scheme. In addition, I note that there is a very wide pavement on the opposite side of the road.

18. The appeal site is close to the junction between Camden High Street and Inverness Street. The latter is a pedestrianised market street and therefore levels of vehicular traffic turning into the High Street from this road are low. In addition, as the High Street is one-way drivers exiting Inverness Street would be looking towards the station as opposed to the appeal site so would not be distracted or have critical sightlines impeded by the proposal.
19. I am therefore satisfied that the proposals that are the subject of appeals A and B would not have an unacceptable effect on public and highway safety. As such they accord with LP Policies G1, A1, C6 and T1, which together seek to ensure that development proposals are of a high quality, adequately address transport impacts, and are accessible.

### **Other Matters**

20. The Council's reasons for refusal refer to the absence of a legal agreement to secure the removal of the existing kiosks and a maintenance plan. As the appeals are being dismissed there is no need to consider this matter.

### **Conclusion**

21. For the reasons set out under the first and second main issues above, and having regard to all other matters raised, I conclude that appeals A and B should fail.

*S Poole*

INSPECTOR