

Appeal Decision

Site visit made on 9 July 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal A Ref: APP/L5240/W/24/3342653

Pavement o/s 21 London Road, Croydon, London CR0 2RE

- 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 New World Payphones against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 24/00181/FUL, dated 17 January 2024, was refused by notice dated 5 April 2024.
 - The development proposed is the installation of a black digital communications kiosk and ancillary advertisement.
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Appeal B Ref: APP/L5240/H/24/3342655

Pavement o/s 21 London Road, Croydon, London CR0 2RE

- 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 New World Payphones against the decision of the Council of the London Borough of Croydon.
 - The application Ref. 24/00182/ADV dated 17 January 2024, was refused by notice dated 5 April 2024.
 - The advertisement proposed is a digital advertising display integrated within a digital communications kiosk.
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Decision: Appeal A

1. The appeal is dismissed.

Decision: Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed digital communications kiosk. Appeal B is in respect of the refusal of advertisement consent for the digital advertising display integrated within the communications kiosk. I have dealt with the appeals on their individual merits, but as the advert screen is an integral part of the kiosk it is both convenient and appropriate to consider the appeals and their main issues together.
 4. Paragraph 118 of the National Planning Policy Framework December 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic
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communications networks. Paragraph 122 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system.

5. I have had regard to these and other statements of Government policy in the Framework and considered them as material considerations to be assessed in conjunction with the policies of the Croydon Local Plan 2018 and the London Plan 2021 cited by the Council in its Decision on the applications. These are Local Plan Policies SP4, DM10 & DM12 and London Plan Policies D3 & D8.
6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the somewhat more restrictive form of the development plan policies clearly necessitates a balanced decision. However, in my view it is the specifics of the site's characteristics and the extent to which the proposed equipment would be in keeping with its surroundings that are primarily the deciding factors in the appeals.

Main Issue

7. Having regard to the preliminary matters above and in particular paragraph 6, the main issue in these linked appeals is the effect of the kiosk and its digital displays on the character and appearance of the shopping centre and the street scene of this part of London Road.

Reasons

8. Turning firstly to Appeal A, the appeal site is in a secondary shopping centre along a section of London Road with a pavement width of about 3.7m. With the proposed kiosk positioned just under 0.5m away from the roadside kerb and its width of about 1.1m, the structure would leave some 2.1m free for passers-by. Whilst the Council considers that this would be sufficient for persons to pass one another freely, I am not entirely in agreement with this finding in a shopping parade where the Council says there is a very high footfall.
9. This is because it is not normal for pedestrians to walk along a pavement very close (say within 0.5m to 1m) to the shopfronts. This is due to a combination of (i) a need to avoid collisions with persons exiting from the doorways and in this case also cars from the almost adjacent driveway leading to the rear of the shops; (ii) in some instances to avoid 'A' boards within this zone (at the time of my visit there was one outside the barbers' shop and one in front of the Post Office – both close to the proposed kiosk position) and (iii) a middle position on the pavement is normally chosen by walkers to enable them to both look through the window of the nearest premises as well as forward along the pavement. Even though the space available to walk past the kiosk would meet the Council's Design Guidance, it is necessary to also take into account of all these factors, the high level of footfall and the structure's suitability for this part of the shopping centre.
10. Whilst I consider the already limited width of the pavement and its reduction at the position of the proposed kiosk is relevant as regard its effect on pedestrian safety and convenience, given the Council's contrary view I shall in fairness afford that impact limited weight in this appeal. Nonetheless, this relatively

narrow width of public thoroughfare does inform my assessment in respect of the main issues.

11. This is because when perceived in relation to the modest size of most of the shopfronts and the clutter of their fascias, signage and window displays, the forwardly positioned kiosk with its substantial height would inevitably draw the eye as being an overly dominant and somewhat incongruous structure out of keeping with its setting. This effect would be exacerbated by the existing lack of street furniture, thereby reinforcing the stand-alone position of the kiosk which in my view the Council accurately describes as being '*a discordant and intrusive addition to the street scene (that) would have a negative effect upon the public realm*'.
12. For the appellant it is argued that the nearby position of the pavement outside No. 25 London Road was previously occupied by a red telephone box and that there was permission for its replacement at the appeal site, but not implemented because of the Covid Pandemic. I have taken this into account but on balance, and for the reasons already, explained I consider that this particular location and siting is too physically and visually constrained for the unit to be acceptable. In a more spacious setting and with wider pedestrian footways, including more substantial shopfronts and a coherence of design in the streetscape, I may well have found the kiosk to have been acceptable. In this regard I note that similar units have found favour with the Council in half a dozen other locations, albeit with consents given seven to eight years ago.
13. In respect of Appeal B, as with the kiosk itself, the separation of the display in a forward position from the existing advertising and with an orientation where it would be seen from a significant distance along London Road, the display would appear visually intrusive. And again, the constraints of the setting also weigh against the acceptability of the display. When seen against the more traditional advertising at the individual premises that form its context, the proposed kiosk would have a jarring effect on the street scene and on the visual amenity of the shopping parade, even allowing for my view that at present this is not of a particularly high standard.
14. On this basis and having taken account of all the points raised I consider on balance that, contrary to the appellant's submissions, the illuminated advertisement would appear too dominant and out of keeping, and thereby harmful to visual amenity.

Conclusions: Appeals A & B

15. For the reasons set out I consider on balance that both appeal schemes would be in harmful conflict with the policies referred to in paragraph 5 above. The appeals therefore fail.

Martin Andrews

INSPECTOR