



Appeal Decision

Site visit made on 9 July 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/N5090/Z/24/3340231

Pavement south of Ferrydale Lodge, Church Road, London NW4 4EW

- 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 Richard Wilson of Clear Channel UK against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/4209/ADV.
 - The development proposed is a Free-Standing Advertising Unit Council Information Panel (FSU CIP) featuring one digital display for advertising and an internally illuminated paper display on the reverse for Council content.
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Decision

1. The appeal is allowed, and express consent is granted for the display of a Free-Standing Advertising Unit Council Information Panel (FSU CIP) featuring one digital display for advertising and an internally illuminated paper display on the reverse for Council content on the pavement south of Ferrydale Lodge, Church Road, London NW4 4EW in accordance with the terms of the application Ref 23/4209/ADV. 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.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

Main Issue

4. The Council has raised no objection in relation to visual amenity and following my site visit I find no reason to disagree. The main issue is the effect of the proposal on public safety with regard to the free passage of pedestrians with disabilities and visual impairments.

Reasons

5. The appeal site is located on the pavement south of Ferrydale Lodge on Church Road. The surrounding area contains a mix of uses and is characterised by commercial uses on the ground floor and residential above. Ferrydale Lodge is a large purpose-built retirement home. The proposal is for an FSU CIP that would replace an existing FSU CIP on Brent Street nearby, due to a planned signal scheme at the junction of Hoop Lane and Finchley Road.
6. The pavement south of Ferrydale Lodge is relatively wide due to an existing footway buildout. There is existing street furniture including a bin and streetlamp post sited in the footway buildout near to the kerbside of the pavement. These are sited closer to the disabled access ramp than the proposal.
7. The proposed FSU CIP would be sited in the footway buildout in line with the existing bin and streetlamp post. Given the generous width of the footway and the siting of the proposal near to the kerbside of the pavement, it would be located away from the main pedestrian desire line. Furthermore, the proposal would be sited over 12 metres from the disabled access ramp to Ferrydale Lodge.
8. Given the generous distance of the FSU CIP to the disabled access ramp, its proposed siting in the footway buildout and the presence of existing street furniture in the vicinity, it would not adversely affect the free passage of pedestrians, including those with disabilities and visual impairments, or impede use of the disabled access ramp to Ferrydale Lodge. I am also mindful that the appeal site would be a safer and more suitable location for an FSU CIP than the existing site on Brent Street where the footway width is considerably narrower than in Church Road.
9. For the above reasons, I conclude that the proposal would not harm public safety, including the safety of those with disabilities and visual impairments. Although not determinative, there would be no conflict with Policy T4 of the London Plan (2021) (the LP), Policy CS9 of Barnet's Local Plan Core Strategy (September 2012) and Policy DM17 of Barnet's Local Plan Development Management Policies (September 2012). Together, these policies seek to improve cycle and pedestrian facilities and ensure the safety of road users. The proposal would also comply with the Barnet Design Guidance Note No:1 Advertising and Signs with regard to good design.

Other Matters

10. In reaching my decision, I have had due regard to the PSED. Age, impairment, and disability are relevant protected characteristics to which the PSED applies. I consider that the proposed advertisement would not discriminate against persons with these protected characteristics or the other aims of the PSED stated above. On the contrary, the wider pavement at the appeal site is a more suitable location for the FSU CIP than the narrow pavement on Brent Street. As such, it would be proportionate and justifiable to allow the appeal.

Conditions

11. Neither the Council nor the appellant has suggested conditions. The five standard conditions as set out in the Regulations will apply.

Conclusion

12. I have found that that the proposed development would not result in harm to public safety or conflict with the development plan. Therefore, for the reasons given above, the appeal should be allowed. This action would not discriminate against pedestrians who are elderly, disabled, impaired or displaying one or more of these characteristics. It would also not inhibit advancement of equality of opportunity for those persons or the fostering of good relations between them and others. Hence, this would be a proportionate and justifiable decision.

U P Han

INSPECTOR