



Appeal Decision

Site visit made on 27 June 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/K5030/Z/24/3338535

Telephone Box on the east side of Friday Street, London EC4N 4SJ

- 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 Mr Nathan Still (In Focus Network Limited) against the decision of City of London Council.
 - The application Ref is 23/01215/FULL.
 - The advertisement proposed is for the installation and display of an internally illuminated advertisement display panel on a telephone kiosk measuring 1.95m high and 1.2m wide at a height above ground level of 0.3m.
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Decision

1. The appeal is allowed and express consent is granted for the installation and display of an internally illuminated advertisement display panel on a telephone kiosk measuring 1.95m high and 1.2m wide at a height above ground level of 0.3m at Friday Street in accordance with the terms of the application, Ref 23/01215/FULL. 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 and the following additional conditions:-
 - 1) The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 2) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous.
 - 3) The intensity of the illumination shall be no greater than 300 candelas per square metre during the hours of darkness, and the screen shall be switched off between the hours of midnight and 6:00am.
 - 4) The advertising display shall have a default mechanism to display a black screen in the event of any malfunction.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The postcode in the application form differs from that on the appeal form, neither of which are listed on the Councils decision notice. I have used the postcode listed on the original application form, however the siting of the advertisement can be seen in the site location plan listed within the conditions attached to this recommendation.
4. The description of the proposal also differs between the application form and the Council's decision notice. The wording used on the council's decision notice is more representative of the proposed advertisement and given that this is used by the appellant in the evidence before me, I have used this description above.

Main Issue

5. The Council finds no harm to public safety. Having assessed the proposal, I have no reason to disagree. The main issue is therefore the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

6. The existing telephone box is located on a busy street, which is used as a vehicular cut through between Queen Victoria Street and Cannon Street. Friday Street itself is short, and the buildings which flank either side of it, as well as the tall building on Cannon Street at the end of the road, create a tall backdrop upon which the existing advertisement is viewed against. Trees line the street and, together with the telephone box, have a more human scale in comparison to the buildings. The area opens out onto Queen Victoria Street, where the advertisement would be most visible from.
7. The proposal would replace the existing static paper advertisement which is mounted on a telephone box. The advertisement, which is the only one of its type on this street, at present is not conspicuous, and together with the telephone box, shields the cluttered bike rack from view. Given the existing advertisement mounted on the telephone box is of a similar size, the introduction of a digital advertisement on a replacement telephone box in the same location would be in keeping with the area. The existing advertisement would be removed, and therefore the proposal would not amount to any more visual clutter than already exists.
8. Although the digital nature of the proposed advertisement would be vibrant, it would display static images with no moving elements. It would be of a small scale in comparison to the tall buildings that flank the street, and would be consistent with the other street furniture and trees, which provide a more human scale to the large buildings. Therefore when viewing the site from Queen Victoria Street, it would not appear intrusive, and in the context of its surroundings, it would not appear as an incongruous feature.
9. The digital advertisement would be unlikely to affect the setting of the Grade II* listed Bracken House, particularly considering it would be replacing a paper advertisement, would be positioned on the opposite side of the road and considering the modest scale of the proposal relative to the large imposing scale of the listed building. As such, it would not affect the visual amenity in regard to this building. In any case, while the designated heritage assets are relevant when considering the effect on visual amenity, I am not obliged to

consider the policy set out in section 16 of the National Planning Policy Framework in the determination of an advertisement consent appeal.

10. The level of illumination is unlikely to amount to visual clutter in this location. The appellant has suggested a condition limiting the level of illumination between sunset and midnight, and to be turned off between midnight and 6am, which I agree with and have imposed. During daylight hours the appearance of the advertisement would not be dissimilar to the existing advertisement, and the dimming of the display would ensure that it had a similar impact to the existing paper advertisement in the evening.
11. Accordingly, taking the above into consideration, the proposed advertisement would not result in unacceptable harm to the visual amenity of the area. I have taken into account Policies CS10 and DM10.6 of the City of London Local Plan 2015, and Policy D8 of the London Plan 2021 which seek to ensure that advertisements contribute positively to visual amenity. Given that I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these Policies.

Other Matters

12. Both parties have referred to various dismissed and allowed appeals regarding digital advertisements. However, full details of these cases have not been provided. Nonetheless, the differing positions illustrate that there is not a conclusive position in terms of their effects on amenity and I have, in any case, considered the appeal proposal on its own merits.

Conditions

13. Conditions relating to the control of illumination, moving images and the frequency which the display changes are necessary in the interests of public safety and visual amenity.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr R Walker

INSPECTOR