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# Appeal Decision

Site visit made on 25 September 2024

**by Siobhan Watson BA(Hons), MCD, MRTPI**

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

**Decision date: 15 October 2024**

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**Appeal Ref: APP/K5030/Z/24/3344860**

**Telephone box on the north side of St Botolph Street, London, EC3A 7AA**

- 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 In Focus Network Limited against the decision of City of London Council.
  - The application Ref is 23/01229/ADVT.
  - The advertisement proposed is "replacement and updating of advertised public call box".
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## Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
  - 1) No part of the sign shall exceed an illumination level of 300 candelas per square metre between 6am and midnight and no part of the sign shall exceed an illumination level of 150 candelas per square metre between midnight and 6am. Direct light spill to the ground shall not exceed 2 lux at any time.
  - 2) At all times, each advertisement shall be displayed for no fewer than 10 seconds and the transition shall take place over a period of not more than 1 second. There shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.

## Main Issue

2. The main issue is the effect of the advertisement upon the amenity of the area.

## Reasons

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the above Regulations may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The telephone box on which the advert would be sited already has planning permission. The existing box to be replaced contains a rather scruffy paper

advert which I was able to see at my visit. The proposed illuminated advert would be marginally smaller than the existing one.

5. The site is outside of, but not far from the boundary of, Creechurch Conservation Area. The conservation area is characterised by buildings of a wide variety of architectural styles and periods. Particularly notable buildings closest to the site being Church of St Botolph and Aldgate School.
6. Church of St Botolph by G Dance (elder) dates from 1741-1744. It is Grade I Listed. It has an aisled body with a ritual tower flanked by low, domed lobbies. It is of mixed red and yellow brick with partly painted stone dressings. It has a wealth of architectural features and internally it has features of interest such as a carved organ case. Its significance derives from its age, architectural detail, and religious/community use.
7. The telephone box would be closer to the road than the existing box. It would be positioned between a wall and Lime Bike stands. The bikes are an extensive amount of clutter on the pavement close to where the advert would be. What appears to be a service area to a building is just behind and to the side of the site. Due to its immediate surroundings, the advert would be positioned in an unremarkable part of the pavement.
8. With relevance to the appeal site, The Church of St Botolph is experienced from its own gardens, the pedestrianised areas around the church site, and St Botolph Street.
9. The appeal site is diagonally opposite the church on the other side of the road. There are some very large-scale modern buildings which intervene between the appeal site and the church. The church can be appreciated from the appeal site in a small way due to limited intervisibility. However, the advert, would be a small feature within a dense urban landscape surrounding the church. The advert would be dwarfed by the blue high rise building next to it and it would be sited in a position amongst some features of little street-scape value. Therefore, the advertisement would not affect the appreciation of the Church. For these reasons, I consider the effect upon the setting of the church to be neutral.
10. The conservation area boundary is down the side of St Botolph's church and for the same reasons, the advert would not affect the setting of the conservation area either.
11. The Council has drawn my attention to the Grade II\* listed Sir John Cass School (now Aldgate School). This is even further away from the site than St Botolph's church and I do not consider that the advert would affect the setting of this building.
12. The Council is concerned that there are inadequate details of illumination proposed. However, this can be controlled by condition.
13. I conclude that the advert would not affect the significance of any heritage assets and that it would not harm amenity. In reaching this conclusion I have taken into account City of London Local Plan policies CS10; DM 10.6 and DM12.1 which seek to ensure that advertisements respect the character of the City and that heritage assets and their settings are respected. I have also had regard to Policy D8 of the London Plan which seeks to protect the public realm.

14. In addition to the standard five conditions set out in the Regulations, I have imposed 2 additional conditions in the interest of visual amenity. I note the Council's suggested conditions in respect of luminance at specific times of day which align with the requirements set out in their Lighting Supplementary Planning Document (SPD). This sets out that illuminated advertisements should be restricted to 300cd/m<sup>2</sup> pre-curfew (sunset to midnight), and to be dimmed to 150cd/m<sup>2</sup> post curfew (midnight to sunrise) or turned off.
15. However, sunset and sunrise varies each day and the SPD does not explain how technology can accommodate this requirement. On the information before me, therefore, this requirement would fail the test of reasonableness. My condition is therefore more simple and more specific in respect of times. I have imposed a maximum illumination of 300cd/m<sup>2</sup>, even during the day, to prevent the advert being too garish. The illumination will need to be reduced further after midnight and before 6am.
16. In addition, the Council has not explained what it means by "Ensure High CRI white light is used, with colour temperatures no greater than 4000K" and therefore, it has not justified the need for this condition or whether this requirement would be reasonable. In any event, I consider that the limitations I have imposed on luminance are sufficient to prevent any harm to visual amenity.
17. I hereby allow the appeal.

*Siobhan Watson*

INSPECTOR