



Appeal Decisions

Site visit made on 24 September 2024

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2024

Appeal A Ref: APP/Y5420/W/23/3335712

Pavement Outside Coliseum Apartments, 10 Salisbury Promenade, Green Lanes, Hornsey, Haringey, London N15 0RX

- 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 Infocus Network Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/2738.
 - The development proposed is installation of an advertised communication hub unit with defibrillator.
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Appeal B Ref: APP/Y5420/H/23/3335714

Pavement Outside Coliseum Apartments, 10 Salisbury Promenade, Green Lanes, Hornsey, Haringey, London N15 0RX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Infocus Network Limited against the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/02230.
 - The advertisement proposed installation of an advertised communication hub unit with defibrillator.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and express consent for the installation of an advertised communication hub unit with defibrillator is refused.

Preliminary Matters

3. There are two appeals before me, although it was explained to me by both main parties that Appeal B was generated as a duplicate in error by the Council. The proposal for a telecommunications hub and integrated advertisement panel was refused and subsequently appealed under the planning application reference given in the banner heading for Appeal A. Appeal B was not determined, and the Council has informed me that the planning application was later disposed of, although it was evidently appealed before that occurred. In any event, I have determined the appeals before me as presented, albeit they are for the same development in the same location.
4. The Council has questioned the need for the hub and/or the advertisement. However, paragraph 122 of the National Planning Policy Framework (the

Framework) is clear that local planning authorities must determine applications of this type on planning grounds only. They should not seek to prevent competition between different operators or question the need for an electronic communications system. Moreover, paragraph 141 of the Framework advises advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Although the need for the hub and advert is not given as a reason for refusal, it has not formed part of my assessment.

5. On 30 July 2024, the Government published a consultation draft of proposed reforms to the Framework. As the proposed changes do not affect the main issue of these appeals, I have not sought the views of the main parties in coming to my decisions.

Main Issues

6. The main issues for both appeals are the effects of the proposals on:
 - The character, appearance and visual amenity of the area; and
 - Public and highway safety.

Reasons

Character, Appearance and Visual Amenity

7. The appeal site is located on the footpath close to the A105 road. The surrounding area is predominantly commercial, although the nearest building to the appeal site is an apartment building. The area is formed of a mix of two and three storey buildings with commercial units to their ground floors including integrated and related advertisements on the building facades. The area of footpath close to the appeal site includes street furniture such as streetlights and cycle racks.
8. The proposed hub would be a freestanding unit which would be approximately 2.6m high, 1.3m wide and of 0.3m depth. It would include a touch screen interface to the front with access to the internet and apps. There would also be a public telephone and defibrillator, among other things, covered by a canopy with a solar panel to help power the unit. On the rear elevation would be an integrated 86 inch illuminated advertisement display.
9. When travelling north along the Green Lanes footpath, the appeal site would be located at the beginning of a long stretch of ground floor businesses with very active frontages. Many of the stores include front extensions or seating areas which spill out towards the road. In combination with existing street furniture, this creates a busy and dynamic environment.
10. The hub would be of significant height and width and the advertisement display would be highly visible, as intended. However, it would not be viewed as dominant against the scale of the bus stop and projecting extensions of ground floor businesses. It would also be set away from the main thoroughfare outside the apartment buildings so as not to add to the clutter of street furniture. While existing signage relates to businesses they represent, I observed some of these were illuminated and the hub would not be elevated while the display would face south.

11. Taken together, the proposal would not harm the character, appearance or visual amenity of the area. This would accord with policies DM3 and DM8 of the Haringey Development Management DPD (adopted January 2016) (the DPD) and D3 and D8 of the London Plan (adopted March 2021) (LP). These seek, among other things, to ensure advertisements avoid unsightly proliferation or clutter of signage in the vicinity and that telecommunications equipment does not adversely affect the streetscene.

Public and Highway Safety

12. The hub would be located on the east side of the A105 road meaning it would be on the same side as southbound vehicles approaching the traffic lights with pedestrian crossing at the junction with St. Ann's Road. There is a bus stop located to the north and I observed the road to be heavily trafficked even at the mid-afternoon hour.
13. The advertisement screen would be on the south facing side of the hub. As such, vehicles approaching the traffic lights and pedestrian crossing from the north would not be distracted by the illumination and changeover of content from the screen in this manner. As such, I see no reason why the presence of the hub itself would cause an increased level of risk to highway or public safety with regards to collision risk between vehicles, pedestrians and/or cyclists.
14. However, vehicles approaching from the south seeking to turn right into St. Ann's Road would have to wait for an opportune moment in the flow of southbound traffic to cross the road and enter that street. While waiting, the advertisement screen would be a clear and distracting element in their line of view when looking north, particularly in hours of darkness. This would increase the threat of collisions between vehicles in this manner and pose an unacceptable risk to highway and public safety.
15. My attention is also drawn to the 'Streetscape Guidance' document (Transport for London, Fourth Edition 2022 Revision 2). Part E advises that a footway clear zone of at least 2m should be left between any street furniture in the 'furniture zone' and the 'frontage zone'. The submitted site plan demonstrates that there would be around 4m remaining for pedestrian flows in this case and there is nothing from the Council before me to dispute this. As such, the proposal would not hinder the safe and convenient flow of pedestrians in this location.
16. Taken together, the proposal would harm public safety by way of increased vehicle collision risk caused by the advertisement display of the hub. This would be contrary to policies DM3 of the DPD and D3 and D8 of the LP. These seek, among other things, to ensure advertisements do not cause a hazard to road users.
17. Due to my findings with regards to pedestrian mobility, the proposal would not be contrary to policy DM8 of the DPD as the hub and advert would leave a minimum residual footway width.

Other Matters

18. The communications hub would provide an efficient, reliable and free to use public service and would incorporate a defibrillator. I have further considered the conditions suggested by the appellant relating to illuminance and

restrictions on the display of images within the advertisement panel. Nevertheless, these benefits and measures would not outweigh the harm identified above, which is worthy of considerable weight.

Conclusion

19. I have concluded that the proposal would not harm the character, appearance and visual amenity of the area. It would also not adversely affect pedestrian and cycle movements in the area. However, for northbound vehicles turning right into St. Ann's Road, the hub and advertisement would present an unacceptable distraction thereby increasing the risk of collision of vehicles. As such, it would conflict with the development plan in so far as it is relevant to the determination of the appeal. Both appeals are therefore dismissed.

C McDonagh

INSPECTOR