
Appeal Decisions

Site visit made on 1 October 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal A Ref: APP/Q5300/W/24/3339491 O/S 244 Fore Street, London N18 2QD

- 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 New World Payphones against the decision of the Council of the London Borough of Enfield.
- The application Ref is 23/03677/FUL.
- The advertisement proposed is removal and replacement of kiosk O/S 223 Fore Street, re-siting of bike racks, with new single black telephone kiosk and ancillary advertisement O/S 244 Fore Street.

Appeal B Ref: APP/Q5300/H/24/3339494 O/S 244 Fore Street, London N18 2QD

- 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 New World Payphones against the decision of the Council of the London Borough of Enfield.
- The application Ref is 23/03678/ADV.
- The development proposed is removal and replacement of kiosk O/S 223 Fore Street, re-siting of bike racks, with new single black telephone kiosk and ancillary advertisement O/S 244 Fore Street.

Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. The appeals concern the same site and proposals that are intrinsically linked and raise similar issues. Although the remit of planning permission (Appeal A) and advertisement (Appeal B) regimes are different, I have dealt with both appeals together. In the case of Appeal B, the Regulations require that decisions are made only in the interests of amenity and public safety. Accordingly, while I have taken account of the relevant development plan policies, they have not been decisive in my determination of Appeal B.

Main Issues

3. The main issues in Appeal A are:
 - the effect of the proposed development on the character and appearance of the area, bearing in mind it would be within the Fore Street Conservation Area (FSCA) and in the setting of a nearby listed building; and
 - the effect of the proposed development on highway safety.

4. The main issue in Appeal B is the effect of the proposed advertisement on amenity.

Reasons

Character and appearance and amenity

5. The appeal site comprises an area of pavement. The surrounding area has a mix of uses and a commercial character, featuring assorted built form of varying appearance. The appeal site is located within the FSCA.
6. The FSCA designation is focused on the historic main road of Fore Street which is one of the principal streets in the conservation area. From my observations and the Church Street, Edmonton and Fore Street Edmonton Conservation Area Enfield Character Appraisal (2016), the significance of the FSCA insofar as is relevant to this appeal is primarily derived from the relationship of the buildings and spaces, streets and public realm around them that make up the townscape. The appeal site is an open area in a prominent roadside position where wide ranging views can be taken along Fore Street. Therefore, the appeal site contributes positively to the historic character and appearance of the conservation area.
7. There are a number of listed buildings nearby which provide a focal point in the FSCA, including the building known as 236 and 238 Fore Street N18. The special interest and significance of this heritage asset includes its associated appearance comprising period architecture which includes red brick quoins and dressings. It's setting comprises the streetscape within which it is located and includes the appeal site. Irrespective of the peeling paintwork and modern additions to the listed building, the clear visual relationship with the asset means that the appeal site makes a positive contribution to the significance of this listed building.
8. The proposals would introduce a kiosk and illuminated advert to the outer edge of the pavement which runs along Fore Street, a busy thoroughfare. In the vicinity of the appeal site is a variety of street furniture including, road signs, lamp posts, a litter bin, bus stops and cycle hoops for cycle parking. Nevertheless, the proposed development would be prominently located in what is currently an open and relatively uncluttered area of public realm. The bulk, height and composition of the kiosk with its various components would be an incongruous addition, to the detriment of the character and appearance of the area.
9. The generally open and unobstructed nature of the appeal site and surrounding pavement allows views in both directions along Fore Street. The proposals would partially interrupt clear vistas of this historic main road. In doing so it would fail to maintain the views across the public realm of a principal street in the FSCA, and as a result would detract from the surroundings and stand out as an incongruous and jarring addition. The visual clutter in the public realm would be prominent in views within the FSCA that would be experienced by motorists, pedestrians, and cyclists from numerous vantage points on Fore Street.
10. The advertising screen would be modest in size, confined to one side of the kiosk, capable of rotating static images and would be illuminated to recommended levels. While it would be seen in the context of other

advertisements, including shop fascia signs and illuminated signage at the nearby bus stops, the digital nature of the advertisement would draw further attention to the structure and would combine to have a negative effect on the quality and character of the vistas within the FSCA. This is not a matter that could be overcome by a planning condition to control the illumination levels of the proposed advertisement as this would not adequately resolve the visual effects of the proposal.

11. The kiosk has been designed to be distinctive and modern while retaining the influence and heritage of traditional UK phone boxes and would be manufactured from robust and high- quality materials. Notwithstanding its commercial location, where people would expect to see advertisements and street furniture, the proposal would introduce a relatively sizable and starkly contemporary urban feature that would weaken the open and unobstructed nature of the appeal site, and would harm the character, appearance and significance of the FSCA.
12. The existing kiosk to be removed is on the opposite side of the road to the appeal site and lies outside of the FSCA. Its removal would improve the public realm in this section of Fore Street, and it is indicated that its removal would prevent anti -social behaviour. Nevertheless, the proposed kiosk at the appeal site would be closer to the nearby listed building. The proposal would therefore introduce modern and conspicuous built form that would be a feature in prominent views of the listed building. In doing so it would unacceptably detract from the public realm and historic townscape, visually competing with the asset, even if the proposed kiosk is more open and less deep than the existing kiosk on the opposite side of the road. As such, the proposals would diminish the contribution of the setting of the listed building to its significance.
13. I have had regard to other similar kiosks granted permission, including within the FSCA, and as such they are a feature of the wider area. However, these kiosks are in a different part of the FSCA or on a different street, and do not share the same relationship with the streetscape and listed building as the appeal site. Moreover, the appeal scheme would result in a new kiosk at the appeal site where previously there was none. As such the other examples are not directly comparable, and do not, therefore, lead me away from my above findings. Similarly, while the proposals are part of a management plan to rationalise kiosks in the Borough, any improvements to the wider public realm as a whole are not a reason in themselves to allow development that would be harmful at the appeal site.
14. Overall, the proposals would fail to preserve the setting of the nearby listed building. In undermining the setting, which also contributes to the historic significance of the FSCA, the proposals would also detrimentally affect how the conservation area is experienced. The proposals would therefore cause harm to the significance of the FSCA and would fail to preserve its character and appearance. For the purposes of the Framework, the harm to the conservation area and to the listed building as designated heritage assets would be less than substantial, and towards the lower end given the scale and nature of the proposals. In those circumstances, the Framework states that the harm should be weighed against the public benefits of the proposals. I will return to this matter later.

15. Therefore, I conclude that the proposed development would harm the character and appearance of the area, failing to preserve the FSCA and harming its significance, and would not preserve the setting of a nearby listed building. The proposals would be in conflict with Policies D8 and HC1 of the London Plan (2021), Policies CP30 and CP31 of the Enfield Plan Core Strategy (2010) (EPCS) and Policies DMD37, DMD41 and DMD44 of the Development Management Document (2014). Amongst other things, these policies require development in the public realm to be well designed having regard to the special character, context and significance and setting of heritage assets. Street furniture is required to complement the use and function of the space and advertisements must be of an appropriate size and type in relation to the street scene.
16. It would also fail to meet the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the provisions within the Framework to conserve and enhance the historic environment.
17. Furthermore, I conclude that the proposed advertisement would harm amenity and therefore it would conflict with the above-mentioned policies.

Highway safety

18. The proposed advertisement would not have a detrimental effect on public safety; however, the Council is concerned about the effect of the re-siting of the cycle hoops on highway safety, which is necessary to accommodate the proposed kiosk.
19. The cycle hoops would be relocated such that they would be in between the proposed kiosk and the existing litter bin, creating a linear arrangement of street furniture that pedestrians would have to negotiate. It would also be necessary for pedestrians to negotiate any cyclists and their bikes at the hoops and those congregating at the proposed kiosk. This would be at a section of the street where passengers would be alighting the bus. As such, despite the pavement at the appeal site location being relatively wide, the proposal would make this section of the busy thoroughfare a more awkward area for pedestrians to negotiate, constricting the channel for movement and causing an inconvenience to users.
20. The bus stops are located away from the appeal site and buses may well be expected to pull in beyond the appeal site. Nonetheless, the bus stop area marked out on the road is relatively long and given the busy thoroughfare and sequence of bus stops nearby it seems likely that a scenario would arise whereby multiple buses could stop in this section of the street at the same time and so passengers could be alighting near to the appeal site. Consequently, the relocation of the cycle hoops, and the resultant arrangement of street furniture at the roadside edge of the pavement would impede those exiting the bus.
21. The existing cycle hoops are located further away from the bus stops and at the end of the bus stop road markings, within what is currently an open and relatively uncluttered expanse of pavement. As such, they do not affect the movement of pedestrians in the way the appeal scheme would.
22. Therefore, the proposal under Appeal A would have a detrimental effect on highway safety and would conflict with Policy CP25 of the EPCS. This policy

includes a requirement for development to be compatible with its surroundings and create a safe and accessible environment.

Heritage Balance

23. As set out in Paragraph 205 of the Framework, great weight should be given to the conservation of designated heritage assets. Harm to the significance of a designated heritage asset should also require a clear and convincing justification. Nevertheless, the Framework also requires such harm to be weighed against any public benefits.
24. Paragraph 118 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communications networks. A range of services are included within the proposed kiosk, including a new telephone system with the ability to accept a range of payment methods, equipment for the provision of Wi-Fi access points, wayfinding and location-based information. It would be part of a network of apparatus to enhance electronic communication services to all members of the public given the open design to allow access for those with accessibility impairments. There is also likely to be some economic benefit during the manufacture and installation phase.
25. These are all public benefits which count in favour of Appeal A. However, since there are other kiosks nearby in the vicinity of the appeal site and across the city, this limits the weight I afford to these benefits, which in practical terms would be modest. Furthermore, I have limited evidence to indicate that there is not a more sensitive location for a kiosk where similar public benefits could be gained without the harms identified. Accordingly, I give the public benefits arising from these matters only limited weight. Overall, even cumulatively, the sum of the public benefits of the proposals would not outweigh the harm to the significance of the designated heritage assets that I have identified, and the considerable importance and weight, in each instance, this carries.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be dismissed.

F Harrison

INSPECTOR