



Appeal Decisions

Site visit made on 27 November 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal A Ref: APP/X5210/W/24/3351350

Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR

- 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 In Focus Network Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/1081/P.
 - The development proposed is described as the replacement of an existing telephone kiosk with a 'Communication hub unit'.
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Appeal B Ref: APP/X5210/H/24/3351348

Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR

- 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 the Council of the London Borough of Camden.
 - The application Ref is 2024/1109/A.
 - The advertisement proposed is described as the display of an LCD digital advertising screen attached to a 'Communication hub unit'.
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Decision Appeal A

1. Appeal A is allowed and planning permission is granted for the replacement of an existing telephone kiosk with a 'Communication hub unit' at the Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR in accordance with the terms of the application, Ref 2024/1081/P, subject to the conditions in the attached schedule.

Decision Appeal B

2. Appeal B is allowed and express consent is granted for the display of an LCD digital advertising screen attached to a 'Communication hub unit' at the Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR in accordance with the terms of the application, Ref 2024/1109/A. 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 additional conditions set out in the attached schedule.

Preliminary Matters

3. In December 2024, the Government published a revised National Planning Policy Framework ("the Framework"). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.
4. As set out above there are two appeals on this site that were submitted together on a single application form covering both planning permission and express consent to display advertisements. They differ only in that appeal A is for planning permission and appeal B is for express advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. In respect of appeal B, the Regulations, and the Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative.
6. A description of development is not provided within the application form. I have therefore taken the descriptions used on the Council's decision notices and as set out by the appellant on the appeal form.

Main Issues

7. The main issues for appeal A are the effect of the proposal on:
 - The character and appearance of the area;
 - Highway safety; and
 - Crime and antisocial behaviour.
8. The main issue for appeal B is the effect of the proposal on the amenity of the area.

Reasons (appeal A and appeal B)

Character, Appearance and Amenity

9. The appeal site sits next to the A501, Euston Road, a six-lane carriageway. The proposed development would be sited on a wide pavement close to the road and would replace an existing telephone kiosk. While a snapshot in time, I noted during the site visit that the A501 is well trafficked however pedestrian movement was not as significant. The buildings which line this part of the A501 are substantial in height and a bus stop with LCD screen exists to the other side of the carriageway.
10. The proposed development would sit on the same footprint as the existing to be removed kiosk with a narrower footprint. Printed style advertisements would be replaced by an LCD digital screen and while not identical the dimensions of the proposed communications hub would be similar to the existing, to be removed, kiosk.

11. I note there are no other examples of this type of digital structure nearby on this side of the pavement with the closest kiosks located further to the west¹. When set against the wide carriageway flanked by taller buildings, given its replacement nature, smaller footprint and simple design, the appeal as proposed would not add visual clutter to this street scene or a proliferation of signage in the area.
12. The Council is concerned about light spillage from the proposed advertisement section of the communication hub, and I note it would be moderately larger than previous schemes at the appeal site. However, the appellant states that the purpose of advertising is to be seen, not to overwhelm, indeed a condition could be imposed to control the level of illumination both during the day and hours of darkness. This would be acceptable in this regard.
13. The Council state that a legal agreement would be required to secure maintenance of the proposed development and to also ensure the removal of the existing kiosk. However, the proposed unit would be sited within the same footprint of the existing kiosk. Consequently, the appeal development cannot be implemented unless the existing kiosk is removed.
14. A Unit Management Plan supports the application, and this sets out how the communication hub unit would be managed and maintained. The standard conditions as set out in the regulations also state that advertisements are to be maintained in a condition that does not impair the visual amenity of the area. This gives the Council the ability to carry out enforcement action where the appearance of a unit causes harm. Furthermore, it is reasonable to expect that companies who should pay for the advertisements to be displayed on the units would expect them to be maintained in good order.
15. Tying these considerations together, a legal agreement would not be necessary to secure the removal of the existing kiosk or to ensure the communication hub's management and maintenance. Additionally, this appeal would be for one communication hub unit following removal of the existing kiosk. As such it has not been robustly shown that other kiosks or advertisements in the area, which are not the subject of this appeal, should also be removed.
16. As a result, the proposed communication hub and its associated advertisement would not unacceptably harm the character and appearance of the area or its amenity. In relation to appeal A, and as far as it is a material consideration for appeal B, it would accord with the relevant provisions of Policy D1 of the Camden Local Plan 2017 ("the Local Plan"). This, amongst other things, looks to ensure that development responds to the local urban context and integrates sympathetically with the public realm.

Highway Safety

17. As indicated above, the proposed development would sit on the same footprint as the existing kiosk and the dimensions of the proposed communications hub would be similar to the existing, to be removed kiosk. The pavement is generous in width and while footfall may increase in the future, there would be acceptable space for pedestrians to pass.

¹ Paragraph 6.1 of the Council's Delegated Report.

18. Indeed, the proposed development also accords with the recommended footway widths as set out for Appendix B of the Pedestrian Comfort Guidance for London (2019) and the minimum footway width as set out at section 3.01 of the Camden Streetscape Design Manual.
19. Limited evidence has been submitted with this appeal to show that this part of the Euston Road suffers from an adversely negative walking experience or that pedestrian flows are currently unsafe. Given the recommended footway widths would be met and the replacement nature of the development, it would not unacceptably hinder pedestrian movements or have a detrimental impact on the promotion of walking as an alternative to motorised transport.
20. Consequently, the proposed development would have an acceptable effect on highway safety. It would therefore accord with the relevant provisions of Policies G1, A1, C6 and T1 of the Local Plan. All of which seek to, amongst other things, ensure that development would not be detrimental to the safety of all highway users.

Crime and Antisocial Behaviour

21. The existing, to be removed, kiosk is a three-sided structure enclosed by a roof. This existing kiosk provides an area where persons could loiter and reasonably hide from passers-by, sheltered from the elements. The proposed development would also of similar proportions to the existing kiosk but would be of a simpler flat design with less enclosure or protection from the elements.
22. The communication hub would be designed with non-flammable, non-scratch anti vandalism surfaces which would also be smooth for easy cleaning. Inspections and checks would be frequently undertaken with response times for repairs, cleaning and damage set out in the management plan. Issues can also be reported by members of the public and other agencies.
23. The design includes features which would also reduce opportunistic crime such as phone snatching and the unit makes provision for a camera which would be activated after a certain period should people loiter. The communication hub, on the advice of local police, or other agencies, could also have a more restricted use policy regarding certain free calls as set out in the management plan.
24. I am mindful that an Inspector noted elsewhere² 'that without a mechanism in place to ensure a new kiosk is properly maintained, it is probable that it would fall into a level of disrepair'. These findings were set against the Inspector's earlier comments about the area being prone to criminal activity and vandalism. The Inspector also found the replacement kiosk in this other case to be 'very conspicuous' and 'notably taller and larger than the existing kiosks'.
25. In this current case before me, I have found that the proposed development would be acceptable in character, appearance, and amenity terms. I have also not been furnished with clear evidence to show that the area is prone to elevated criminal activity or antisocial behaviour. Therefore, I do not consider the current appeal to materially correspond with this other appeal. Nonetheless conditions to secure implementation of the management plan can be imposed if this appeal is found to be acceptable in all other aspects.

² Appeal Refs: APP/X5210/W/22/3297273 and APP/X5210/W/22/3297276

26. I have carefully considered the other decisions put to me in respect to crime and antisocial behaviour. However, there is limited documented evidence before me to suggest that crime or antisocial behaviour would unacceptably increase over existing levels or that it would be necessary, in this case, to secure a legal agreement to maintain the proposed communication hub. In addition, the proposed development would not be as attractive as the existing kiosk for someone to loiter or hide given the design changes.
27. As a result, the proposed development would not unacceptably increase opportunities for crime and antisocial behaviour. It would therefore accord with the relevant provisions of Policy C5 of the Local Plan. All of which seek to, amongst other things, ensure that development would contribute toward community safety and security.

Other Matters

28. I note the other decisions put to me by the Council. Many of these have turned on their own individual merits such as the layout of the street scene, cumulative totals of street furniture, landscape features, visibility of traffic signals, pedestrian visibility of traffic, driver attention, impact upon heritage assets, access to public transport, or varying pavement widths. These are different to the appeals before me, and each appeal should be considered on its own merits as I have done in this case.
29. The Council questions the need for telecommunications; however, I am mindful of the Framework which states at paragraph 123 that the need for an electronic communications system should not be questioned. Aside from the matters of character, appearance and amenity that I have already covered, I am not satisfied that the proximity of the proposed units to other units is a matter that should cause this appeal to fail. In any case, the communication hub would replace an existing kiosk, so the proposal would not result in an increase in provision.
30. It has not been robustly shown that the proposed development would be a radio or electronic communications mast within the meaning of paragraph 120 of the Framework. This therefore has limited bearing on my overall findings.
31. The Council suggest that the existing kiosk would have been established under permitted development rights and such equipment should be removed if they are no longer required for telecommunication purposes. However, there is limited evidence before me to show telecommunications are no longer required at this site. As indicated in previous appeals at this site³, the existing kiosk has been in position for a long period of time and a communication hub should be assessed as a replacement. I have determined the appeal on this basis.

Conditions

32. The Council has suggested a list of conditions which I have considered and where necessary amended in line with national policy and guidance.
33. In regard to appeal A, in the interest of certainty, conditions specifying time and the approved plans are required. Conditions are required to ensure that the structure is removed when no longer necessary and to ensure that the

³ Refs: APP/X5210/W/22/3290298 and APP/X5210/H/22/3290302

surface materials match the existing to maintain the character and appearance of the area. A further condition is also necessary to ensure that the telephone kiosk is maintained in accordance with the management plan enabling the Council to exercise control over this.

34. Regarding appeal B, the conditions set out in the attached schedule are in addition to the five standard conditions set out in the Regulations. The standard conditions are not repeated in the schedule. Conditions are necessary to control the level of illuminance, restrict moving images, display, and interval time to ensure that they do not harm the character and appearance of the area or create a distraction for pedestrian and vehicular traffic.
35. Conditions are also necessary to ensure that advertisements displayed do not resemble traffic signs and that the footway and carriageway would not be blocked during installation and maintenance of the unit. Finally, a condition is also required to ensure that the advertisement does not emit music or sounds to protect the amenity of occupiers of nearby premises.

Conclusion

36. For the reasons set out above, and having had regard to all other material considerations, I conclude that appeals A and B should be allowed.

N Praise

INSPECTOR

Schedule of Conditions – Appeal A (5 in total)

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawings nos: A/489467/ 01 Rev A, A/489467/05 Rev B, A02495 Site Plan and Images document, Communication Hub Proposal Hub Unit Specification, and Communication Hub Unit Management Plan V4 June 2023.
3. The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes.
4. All new or replacement surface materials should match the existing adjacent surface materials.
5. The telephone kiosk, including its electronic features, shall be managed in accordance with the Communication Hub Unit Management Plan V4 dated June 2023, for the lifetime of the development.

End of Schedule for appeal A

Schedule of Conditions – Appeal B (7 in total)

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
2. The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent, or video elements).
3. The minimum display time for each advertisement shall be 10 seconds.
4. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
5. No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
6. The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
7. No music or sound shall be emitted from the advertisements.

End of Schedule for appeal B