



Appeal Decisions

Site visit made on 23 January 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal A Ref: APP/L5240/W/24/3345726

New World Payphones Kiosks, Land O/S 50 North End and Land O/S 102 North End, Croydon, London CR0 1UG

- 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 Mr Ben Porte (New World Payphones) against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00348/FUL.
 - The development proposed is the removal of kiosks O/S 102 North End and replacement of existing black double telephone kiosk O/S 50 North End with single black digital communications kiosk and ancillary advertisement.
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Appeal B Ref: APP/L5240/H/24/3345728

New World Payphones Kiosks, Land O/S 50 North End and Land O/S 102 North End, Croydon, London CR0 1UG

- 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 Ben Porte (New World Payphones) against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00349/ADV.
 - The advertisement proposed is a digital advertising display integrated within replacement digital communications kiosk.
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Decisions

1. Appeal A is allowed and planning permission is granted for the removal of kiosks O/S 102 North End and replacement of existing black double telephone kiosk O/S 50 North End with single black digital communications kiosk and ancillary advertisement at New World Payphones Kiosks, Land O/S 50 North End and Land O/S 102 North End, Croydon, London CR0 1UG in accordance with the terms of the application, Ref 24/00348/FUL, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of the digital advertising display integrated within replacement digital communications kiosk at New World Payphones Kiosks, Land O/S 50 North End and Land O/S 102 North End, Croydon, London CR0 1UG in accordance with the terms of the application, Ref 24/00349/ADV. 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 subject to the additional conditions in the attached schedule.

Preliminary Matters

3. I have utilised the descriptions of the development and the advertisement proposed from the respective decision notices as these more accurately describe the proposals subject of these appeal than the descriptions on the respective application forms.
4. There are two appeals relating to the site, one for a proposed kiosk and the other for a digital advertisement display. I have considered each on its own merits but have dealt with both in a single decisions letter.

Main Issues

5. The main issue in respect of Appeal A is the effect of the proposed development on the character and appearance of the area and whether it would preserve or enhance the character or appearance of the Central Croydon Conservation Area (Conservation Area).
6. The main issue in respect of Appeal B is the effect of the proposed advertisement on amenity, having regard to the effect on the Conservation Area.

Reasons

Appeal A

7. The proposed kiosk would be located along North End, a busy, largely pedestrianised linear highway within Croydon Metropolitan Centre's Primary Shopping Area. A range of retail and commercial uses line both sides of the highway, with variety in the style and design of ground floor frontages. There is greater consistency at upper floor levels, with many properties retaining their historic form, but even here, the buildings are of differing heights and display different fenestration detailing. The busy, vibrant nature of the area and the spaciousness provided by the width of North End together with the presence of trees on the highway, contribute positively to the significance of the Conservation Area.
8. The proposal would replace a pair of existing kiosks in this location and be broadly aligned with other street furniture in the vicinity. Given the partially open and simple form of the kiosk proposed, as well as its colour and materials, the structure would have a lightweight appearance. Although it would be marginally taller than the existing telephone kiosks at this location, the height difference would not be significant, and the proposed kiosk would also have a much-reduced footprint compared to the pair of telephone boxes that it would replace. Consequently, it would have a more slender appearance and despite its solid form on one side, I do not consider it would appear as a bulky or unduly prominent addition in the streetscene.
9. It's siting in the linear street furniture zone, and its scale in comparison to the buildings in the vicinity of the site, would ensure that the spacious character and appearance of the Conservation Area is preserved. Reference has been made to a number of locally listed buildings¹, which although being located close to the site, are further to the north and not directly facing the site of the proposed kiosk.

¹ No's 58-66 (even)

10. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the area and that it would preserve the character and appearance of the Conservation Area. As such, it would not conflict with Policies SP4 and DM18 of the Croydon Local Plan 2018 and Policies HC1 and D3 of The London Plan, which seek, amongst other matters, high quality development that respects local character. It would also not conflict with Sections 12 and 16 of the Framework which seeks development that is sympathetic to local character and for heritage assets to be conserved in a manner appropriate to their significance.

Appeal B

11. Most free-standing advertisements along this section of North End are non-illuminated. There are however a wide range of advertisements in the area, at fascia level, and in window displays. Whilst these advertisements may be on buildings to the side of the highway rather than in freestanding locations, they nevertheless contribute to the busy, commercial character of the area. I was also able to see an existing free-standing digital advertisement outside 44 North End, but the proposal would be separated from it by various other items of street furniture so that it would not appear unduly cluttered or result in a harmful proliferation of one type of advertisement.
12. The proposed advertisement would be located amongst historic buildings, but it would most readily be seen along the predominantly modern frontages at ground floor level. Although the proposal would be illuminated, this form of digital display already exists in the area and subject to controls on the level of illumination, I do not consider that it would be visually dominant or give rise to light pollution.
13. For the above reasons, I conclude that the proposed advertisement would not be harmful to amenity, having regard to the effect on the Conservation Area. I note that the Council make reference to a number of development plan policies, and to The Mayor of London's Expanding London's Public Realm – Design Guide and the Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.

Other Matters

14. Reference has been made by the main parties to other schemes², including a multi-functional hub and illuminated advertisement outside 54 North End. In relation to this referenced site compared to the appeal site, whilst there may be differences between the transparency of the existing telephone boxes, for the reasons set out, the proposals, having regard to its size and design, would not be unduly bulky or prominent. A comparison between the appeal proposals with a BT Street Hub and digital display screens outside 44-46 North End³ have also been made. Whilst these were allowed at appeal, it is evident from the decisions that they were determined on their own merits. I can confirm that I have considered the appeals before me accordingly on their own merits.

² APP/L5240/W/22/3307312 & APP/L5240/H/22/3307314

³ APP/L5240/W/21/3287200 & APP/L5240/W/21/3287201

15. I have taken account of other matters, including reference to the removal of the telephone boxes outside 102 North End, but this would not alter my conclusions in relation to the main issues.

Conditions

16. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested conditions as appropriate.
17. On Appeal A, a materials condition is necessary in the interests of the character and appearance of the area and the Conservation Area. A Management Plan condition is also necessary for these same reasons for the prevention of anti-social behaviour and crime.
18. In addition to the standard conditions on the advertisement appeal, I consider a condition to control the intensity of illumination in the hours of darkness to be necessary in the interests of public safety and amenity. Conditions are also required for advertisements to be displayed for a minimum time period, and for the rate of changes between advertisement displays to be near instantaneous in the interests of public safety and amenity.

Conclusion

19. The proposed kiosk would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
20. The display of the advertisement for the reasons set out, would not be detrimental to amenity.
21. I therefore conclude that the appeals should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (Drawing No: PY4419-047-002A), Site Plan (Drawing No: PY4419-047-002B), Existing Elevations (Drawing No: PY4056/004) and Proposed Elevations (Drawing No: PY4056/005).
- 3) The external surfaces of the development hereby permitted shall be constructed using the materials, finishes, and colours as described in the New World Payphones Specification Document, Proposed Public Telephone Kiosk and as shown on Proposed Elevations (Drawing No: PY4056/005).
- 4) The development hereby permitted must be managed in accordance with the New World Payphones Management Plan, dated January 2024 and must include the ongoing use of an algorithm to identify repeated anti-social number use, with a review after the first three months of installation with the police to assess any issues arising. Any change to the management plan should be approved in writing by the Local Planning Authority and the Metropolitan Police designing out crime team. The management plan must remain for the lifetime of the permitted development.

Appeal B

- 1) The advertisement should operate at an intensity of illumination level no greater than 600 cd/m² between dusk and dawn, consistent with guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).
- 2) The minimum display time for each advertisement shall be 10 seconds. There shall be no special effects that include noise, smell, flashing, or smoke. Full-motion video is not permitted.
- 3) The interval between successive displays shall be instantaneous and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

End of conditions