
Appeal Decision

Site visit made on 14 February 2025

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/K5030/Z/24/3355355

Pavement o/s 30 Fenchurch Street, London EC3M 3BD

- 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 City of London Council.
 - The application Ref is 24/00378/ADVT.
 - The advertisement proposed is 1 no. digital advertisement display integrated into replacement kiosk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the National Planning Policy Framework (the Framework), the Regulations (as referred to above) and the Planning Practice Guidance, my consideration of this appeal is confined to the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. 'Other relevant factors' in this instance, are those relevant to considering public safety and amenity.
3. The proposed advert would be integrated into a new kiosk, which would replace the existing. The replacement kiosk was granted planning permission under a separate application (Council Ref. 24/00377/FULL).

Main Issue

4. Public safety is not raised as a ground of objection by the Council, and I have no reason to disagree. The Regulations state that factors relevant to 'amenity' include the general characteristics of the locality. As such, the main issue in this appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. Fenchurch Street is broadly characterised by tall commercial buildings set at the back of the pavement. Most buildings have a retail frontage at ground floor level which encompass a fascia sign and glazed shop window. There is also the odd projecting sign, but these are not commonplace. Many of the fascia signs and shop windows are illuminated.
6. I share the view of a previous Inspector¹ that advertisements in the vicinity of the appeal site are generally fixed to buildings, restrained in size and appearance and

¹ APP/K5030/H/18/3212601

relate to the business occupying the premises. There is a notable lack of other forms of advertisement in the area. Consequently, the limited amount of advertising away from buildings affords the streetscape a reserved character despite it being a vibrant commercial centre. This contributes positively to local distinctiveness.

7. Transport for London has published *Guidance for Digital Roadside Advertising and Proposed Best Practice*. This states that static digital advertising is likely to be acceptable in locations where static advertising exists or would be accepted. Nevertheless, the document also acknowledges that not all sites will be appropriate for advertising. In other words, the assessment is a contextual one.
8. The appeal scheme would be very similar to the previously proposed advert dismissed on appeal². There is nothing of substance before me to demonstrate the context of the appeal site has meaningfully changed since the previous appeal was determined. Like the proposal before me, the previous scheme was for a display screen advert around 1.5sqm in size which would present an illuminated static image that would change no more than once every 10 seconds. Despite the concerns of the Council, the explanation provided by the appellant indicates that the luminance would not be excessive and could be controlled in a manner consistent with Policy DM15.7 City of London Local Plan.
9. Nevertheless, the previous Inspector, who was not concerned by the level of luminance either, concluded that the advert would be harmful to amenity. This is because the display would take up a large proportion of the elevation of the kiosk and would be prominent in views along the street. The Inspector also found that the proposed illuminated advert, despite being at ground level, would be exceptional in not being attached to a building. And, being sited close to the kerb edge, it would stand out from the other illuminated advertisements and shop fronts and thus appear discordant and isolated in the street scene. Overall, the Inspector found harm to the amenity of the area from the illuminated advert, despite its urban context and location in the Eastern Cluster Policy Area. Consistency in decision making is an important cornerstone of the planning system.
10. The proposal before me differs from that previously considered because the advert would be sited eastwards of the current kiosk and turned 180 degrees. The advert would therefore be located where the pavement is wider and in such a way that it would, in the appellant's view, mitigate the effect on the Leadenhall Conservation Area (CA). Regardless of whether this alteration would preserve the setting of the CA or not, this was not the principal concern of the previous Inspector. Instead, he found that it was the discordant appearance and position of the advert away from buildings which would harmfully impact the restrained street scene of Fenchurch Street. This harmful impact would endure whichever elevation of the kiosk the advert was sited upon. Accordingly, the alteration does not justify a different conclusion being drawn. The proposal would harm the amenity of the area.
11. In arriving at this view, I have carefully considered Policies CS10 and DM10.6 of the LP and Policy D8 of the London Plan. Together, these policies seek a high standard of design which has regard to its surroundings. Specifically, Policy 10.6 of the LP encourages a restrained amount of advertising and resists excessive or obtrusive adverts. Since these policies concern the question of amenity, they are relevant in this case. I have found that the proposal would harm amenity and,

² Ibid

therefore, it would be at odds with the policies. By intrusively and prominently harming amenity, the proposal would erode the quality and character of the locality. Thus, the proposal would also be at odds with Paragraph 141 of the Framework.

12. I have also considered the appellant's suggestion that the advert is part and parcel of a single project to replace the existing kiosk, and that the project will not happen if the advert is not approved. There appears to be common ground between the Council and appellant that replacing the existing kiosk with that approved would be an enhancement. Even if I shared that view, there would be no overall enhancement if the kiosk included the proposed advert for the reasons given. Instead, the overall effect would be negative.
13. The appellant has also offered to remove two other kiosks as part of the project to reduce street clutter, which is an aim of the *City Public Realm People Places Projects Supplementary Planning Document*. However, removing these benign features would not fully outweigh the harm I have identified. Indeed, their removal would have no impact on the amenity of Fenchurch Street. Nor would their removal better reveal the significance of designated heritage assets³ or improve their setting because they are modest neutral features in the relevant urban street scenes.
14. The appellant has also suggested that a tree could be planted to help improve the amenity of the City of London. I can see why this could be considered a benefit to amenity, but there is nothing before me to demonstrate that a tree would be planted within the immediate neighbourhood of the proposed advert which, in practice, is usually considered to be the geographical area of my assessment⁴. In any event, planting a tree would not fully mitigate the identified harm. The appellant has referred to BT Street Hubs in the City of London, but the full details are not before me. Notwithstanding this, my assessment is site specific, and, in this regard, there are no illuminated adverts away from buildings within the locality of the appeal site.
15. The appellant has indicated that the City of London Corporation would be granted use of the advertising display for its own communications, which could include public safety announcements and emergency incident messaging. However, there is nothing of substance before me from the Corporation to confirm that this facility would be used and would be of notable value to public safety. Accordingly, it has not been demonstrated that this is a matter of more than limited weight.
16. The appellant has also referred to wider economic and social benefits that might arise from installing the approved kiosk, which is apparently dependent on the advert being approved. However, and as already explained, my considerations are restricted to matters of public safety and amenity. As such, these benefits have not been determinative in my assessment.

Conclusion

17. Given the foregoing, I conclude that the proposal would have a net adverse effect upon amenity. This would be the case even when accounting for the positive factors outlined above. Accordingly, the appeal is dismissed.

Graham Chamberlain, INSPECTOR

³ The appellant refers to 27 Great Tower Street, a listed building, the setting of the Tower of London World Heritage Site and the Crescent Conservation Area

⁴ Paragraph: 079 Reference ID: 18b-079-20140306