



Appeal Decisions

Site visit made on 17 February 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal A Ref: APP/E5330/W/24/3350919

Land Outside 546-550 Westhorne Avenue, London SE9 6DR

- 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 Thomas Johnston (New World Payphones) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 24/1948/F.
 - The development proposed is described as the removal of existing telephone box followed by the installation of 1 no. new communications kiosk with integrated advertising display.
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Appeal B Ref: APP/E5330/H/24/3350920

Land Outside 546-550 Westhorne Avenue, London, SE9 6DR

- 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 Thomas Johnston (New World Payphones) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 24/1949/A.
 - The advertisement proposed is 1 no. digital advertisement display within proposed new communications kiosk.
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Decisions

1. Appeal A is allowed and planning permission is granted for the removal of the existing telephone box followed by the installation of 1 no. new communications kiosk with integrated advertising display at Land Outside 546-550 Westhorne Avenue, London, SE9 6DR, in accordance with the terms of the application, Ref 24/1948/F, subject to the following conditions:
 - 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 drawing nos PY4623-011-004 (Site Plan), PY4056/001, PY4056/005.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on page 18 of the document titled 'New Communications Kiosk Overview and Specifications'.
2. Appeal B is dismissed.

Background and Main Issues

3. Both appeals relate to the same appeal site. I have therefore dealt with them together in my reasoning except where indicated otherwise.

4. In respect of Appeal A, the Council refused the installation of the proposed kiosk due to insufficient information demonstrating the proposal would conform to the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines and standards on limiting exposure to electromagnetic fields.
5. To address this, the appellant has submitted a signed document titled 'Declaration of Conformity' and dated 21 August 2024. It states that the proposed development is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and the EU Council recommendation of 12 July 1999* "on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)" in all areas legitimately accessible to the public.
6. The Council has accepted this document and considers that the concerns raised in the refusal reason have been addressed. I see no reason to disagree with that view. The proposed kiosk would therefore comply with Policy DH(c) of the Council's Core Strategy 2014 and the National Planning Policy Framework (the Framework) insofar as they seek to ensure the delivery of digital infrastructure is of high quality and meets ICNIRP guidelines for public exposure. In my view appeal proposal A therefore accords with the development plan and is therefore acceptable and I therefore focus my reasoning below on Appeal B.
7. The Council's reasons for refusing appeal scheme B are still contested. However, I have, in the interest of accuracy, taken the description of development in the banner heading from the appeal form. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
8. Against all this background the main issues in relation to Appeal B are the effect of the proposed advertisement on public safety and amenity.

Reasons

Effect on public safety

9. The appeal site is located on an area of pavement along the South Circular Road (A205) which is a busy dual carriageway with heavy levels of vehicular traffic. It is adjacent to the junction with Haimo Road as well as a one-way lay-by road giving access to parking spaces which lie in front of the nearby shopping parade.
10. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care being more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those that obstruct or impair sightlines at a junction, or at any point of access to a highway, and those which, because their size or siting, would obstruct or confuse a road-user's view. The PPG also states that externally or internally illuminated advertisements which are subject to frequent changes of the display and which, because of their brightness, could result in glare and dazzle, are likely to distract road users.

11. The proposed illuminated LCD advertising board would display regularly alternating static advertisements on the rear of the communications kiosk. The siting and illuminated nature of the advertisement at this busy location, directly adjacent to the junction with Haimo Road, would result in a prominent form of advertising, and would create a disorderly and distracting feature in this roadside environment.
12. Drivers and cyclists travelling on Haimo Road and entering the narrow lay-by leading to the parking spaces adjacent to the shops are likely to be distracted by the proposed advertisement and its changing imagery. This would occur at a point where high levels of concentration are required, with vehicles accessing and exiting Haimo Road as well as vehicles travelling along a busy two-lane highway (A205) slowing down on the approach to the nearby bus stop and traffic lights. Any lapse in concentration caused by the advertisement from drivers accessing the main carriageway is likely to result in an accident, thereby causing harm to public safety.
13. Furthermore, there is an informal pedestrian crossing at the junction of Haimo Road and the A205. The illuminated advertisement would be a distracting feature to drivers as well as pedestrians, thereby increasing the risk of collision at this crossing.
14. To a lesser extent, drivers travelling in an easterly direction on the A205 would also be impacted. However, the modest size of the advertisement would mean the level of risk associated with distraction would be limited.
15. The appellant suggests that luminance levels would be informed by guidance set out by the Institute of Lighting Professionals (ILP). Whilst maximum luminance levels could be controlled via conditions, the proposed advertisement would still constitute a disruptive addition to the street scene. Even with adaptive controls on daytime luminance levels and a maximum night time luminance of 300cd/m², the advertisement would adversely impact the attention of drivers, cyclists and pedestrians in a sensitive location.
16. I conclude that the position and nature of display, would likely result in a distraction for users of the highway and would lead to the potential for increased conflict between road users. Consequently, it would have a harmful effect on public safety, contrary to the provisions of the Framework and guidance within the PPG, which seek to control advertisements in the interests of public safety.
17. I have taken into account Policies DH1, DH(f) and IM4 of the Core Strategy and Policies T2 and T4 of the London Plan 2021 which seek to limit adverse transport impacts, contribute to improved safety, increase pedestrian permeability and so are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with these policies.

Effect on amenity

18. The area surrounding the appeal site is characterised by ground floor retail uses with residential units within the upper floors. There are a few advertisements attached to bus stops in the vicinity however none are illuminated. The proposed advertisement would be attached to the rear of the communications kiosk that would sit on an area of pavement adjacent to a parade of shops. Illuminated advertisements are relatively common in urban areas, along main roads and near

shopping parades. In this context, the new advertisement would not appear out of place and although it would be prominent on account of its illuminated nature, I do not find it would constitute a discordant or incongruous feature in the streetscene.

19. The residential units within the upper floors of the buildings within the parade are located to the east and north-east of the advertisement. The advertisement would be oriented towards the south-west and would thus not face towards the closest residential properties. Therefore, the luminance of the proposed advertisement would not detrimentally affect the amenity of the nearby properties.
20. Given the above, the proposal would not be harmful to the amenity of the area. I have taken into account Policies DH1 of the Core Strategy and Policy D3 of the London Plan which together seek to ensure proposals respect surrounding context and character and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal would comply with these policies.

Other Matters

21. The proposed communications kiosk would replace an existing unsightly telephone box, and as such, would not introduce additional or excessive visual clutter to the street. Sited on a main road adjacent to a parade of retail units, it would not constitute an incongruous feature. Although the new kiosk would be wider and taller than the existing structure, its reduced depth and open design would result in a smaller overall footprint. The design of the kiosk's structure draws influence from the traditional UK telephone kiosk appearance and would integrate recognisable heritage features. It would be compatible with its surroundings and would not affect the established character or visual coherence of the area.
22. Concerns were raised regarding privacy and whether the structure would incorporate surveillance technology and record biometric and phone data of passers-by. There is no indication in the information and documents before me that the kiosk would be fitted with cameras or lead to an invasion of privacy.
23. I note the comments submitted regarding the stated impact of the kiosk on biodiversity, human health, and energy consumption. However, these concerns mostly relate to the impact of the LED illuminated digital advertisement which I am dismissing. I do not consider that there is sufficient evidence before me to demonstrate that the small interactive display screen would harm wellbeing or unacceptably exacerbate screen addiction amongst children. The ICNIRP declaration ensures exposure to electromagnetic fields would be controlled according to standards.
24. The appellant states that advertising is vital for economic activity and that the display would contribute to Business Rates and thereby towards Local Authority services delivery. They highlight their partnership with the Trees for Cities charity and emphasise that the kiosk would provide significant public benefits, such as the provision of accessible telecommunications, public Wi-Fi, 5G small-cell mobile connectivity, free device charging, an emergency services button, environmental sensors, public messaging capabilities, and a defibrillator. Nevertheless, I am required to consider advertisements only in the interests of amenity and public safety, and such benefits would not lead me to find otherwise in relation to those factors.

Conditions

25. In the interests of certainty, with regards to Appeal A I have imposed the standard conditions relating to the commencement of the development and the approved plans. Alongside these, it is necessary to impose a condition to ensure the materials of the kiosk match those set out on page 18 of the document entitled 'New Communications Kiosk Overview and Specifications' submitted by the appellant. This is to ensure the character and appearance and visual amenity of the area is protected.

Conclusion

26. For the reasons given above Appeal A should be allowed and Appeal B should be dismissed.

Thomas Courtney

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/E5330/W/24/3350919	New World Payphones
Appeal B	APP/E5330/H/24/3350920	New World Payphones