



Appeal Decisions

Site visit made on 6 June 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2025

Appeal A Ref: APP/X2220/W/25/3358636

Telephone Box Outside National Westminster Bank, Market Square, Dover, Kent, CT16 1NG

- 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 of New World Payphones against the decision of Dover District Council.
 - The application Ref is 24/01098.
 - The development proposed is removal and replacement of existing double telephone box outside 25 Market Square (Natwest) with single black digital communications kiosk and ancillary advertisement and complete removal of double telephone box outside 15 Bench Street.
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Appeal B Ref: APP/X2220/H/25/3358637

Telephone Box Outside National Westminster Bank, Market Square, Dover, Kent, CT16 1NG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Ben Porte of New World Payphones against the decision of Dover District Council.
 - The application Ref is 24/01099.
 - The development proposed is removal and replacement of existing double telephone box outside 25 Market Square (Natwest) with single black digital communications kiosk and ancillary advertisement and complete removal of double telephone box outside 15 Bench Street.
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Decisions

1. Appeal A is allowed and planning permission is granted for the removal and replacement of existing double telephone box outside 25 Market Square (Natwest) with single black digital communications kiosk and ancillary advertisement and complete removal of double telephone box outside 15 Bench Street at Telephone Box Outside National Westminster Bank, Dover, CT16 1NG in accordance with the terms of the application, Ref 24/01098, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the removal and replacement of existing double telephone box outside 25 Market Square (Natwest) with single black digital communications kiosk and ancillary advertisement and complete removal of double telephone box outside 15 Bench Street, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Preliminary Matters

3. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. In accordance with the Regulations for the control of advertisements, I have limited my consideration of Appeal B to matters of amenity and have had regard to the development plan only insofar as it is relevant to my consideration of those matters. There was no objection raised on the grounds of public safety and I find no reason to take a different view on that matter.

Main Issue

5. The main issue for Appeal A is the effect of the proposal on the character and appearance of the area, having particular regard to whether the proposal would preserve or enhance the character and appearance of the Dover Town Centre Conservation Area (CA).
6. The main issue for Appeal B is the effect of the advertisement on amenity.

Reasons

7. The appeal site is situated next to the former National Westminster Bank premises in a pedestrianised part of Market Square. The proposed digital communication kiosk and ancillary advertisement would replace a double telephone box in this location and a double telephone box located outside 15 Bench Street to the south of Market Square.
8. Much of the town centre is located within the CA, whose significance derives from Dover's long history as a port dating back to Roman times, which was boosted from the middle of the eighteenth century as transport links to London improved. Cannon Street and Biggin Street form the arterial route from the port to the remainder of the country, and contain a number of high quality, richly detailed buildings dating from the Victorian and Edwardian periods, which give the area a cohesive character. The large public open space of Market Square, although outside the CA, acts as a natural terminus to Cannon Street, with the former Lloyds Bank premises at 4 Market Square (which is within the CA) dominating the northern aspect of the square.
9. The Dover Town Centre Conservation Area Character Appraisal (CACA) dating from 1988 places the appeal site in Area 4 – Market Place, where the tight enclosure of Cannon Street gives way to a large public open space. The appraisal notes the significant amount of street clutter in Biggin Street and Cannon Street and highlights the need for improvements to the public realm of the square. Indeed Market Square has recently benefitted from significant enhancements, with an arched walkway replacing a fountain in the centre along with improved seating, and the surrounding pedestrian areas widened and surfaced in a range of pavements. Street furniture has been upgraded, with a public information board/wayfinding sign and modern lamp post erected outside the former National Westminster Bank, which the existing pair of telephone boxes sit between.
10. The proposed single black digital communications kiosk would replace both a pair of telephone boxes on the site and a pair of telephone boxes outside 15 Bench Street to the south of Market Square. The existing telephone boxes, although not

unsightly, are tired and in the case of Market Square do not blend in with the recent public realm enhancements. The proposed kiosk would be of similar height to the existing telephone boxes, with a narrower profile and a smaller footprint. Its traditional design and black finish would harmonise with the adjacent public information board/wayfinding sign and the planters which are found in various locations in Market Square, and in this way complement the recent enhancements to the public realm. Overall, the proposal would reduce clutter in the town centre.

11. The Council in its delegated report acknowledges that the proposal would involve a reduction in built form, with a comparable/slightly reduced impact on the visual amenity of the area, but considers that the proposed advertisement would introduce a visually imposing feature which would have a greater prominence and visual impact than the existing telephone boxes owing to its size, illumination and sequencing. The Council contrasts this with advertisements commonly found in town centres which are predominantly fascia signs and vinyl window signs.
12. However, the area is commercial in character with advertisements of various types including digital displays, and consequently the proposal would not result in a harmful change to the character or appearance of the area. Whilst the advertisement display would fill one side of the kiosk and be illuminated with a display changing every ten seconds, it would face towards Market Square and would be visible only in oblique views from the CA.
13. The Council has drawn attention to a double-sided digital advertisement located at 13 Cannon Street to the north of the appeal site (25 metres away according to the appellant and 30 metres away according to the Council) and raised a concern that the proposal would lead to an overconcentration of digital advertisements. However, that advertisement replaced an earlier two-sided advertisement, and therefore the proximity of the two pieces of street furniture would not change and there would be no increase in clutter.
14. Both parties have referred to a pair of consents for, respectively, a double-side advertisement display at 75 Biggin Street which replaced an existing advertisement¹, and a telephone kiosk with advertisement display at 12 Biggin Street which replaced two telephone boxes². The former is inside a conservation area and the latter is outside. The two sites are far enough away from the appeal site that they have no direct visual connection to it, but the decisions indicate that the Council has generally been content to allow existing telephone boxes and advertisement displays to be replaced with digital advertisements, both inside and outside the CA.
15. Whilst the appeal site is located outside the CA, paragraph 213 of the National Planning Policy Framework (the Framework) guides that any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Market Square and the appeal site form part of the setting of the CA by virtue of the buildings on the north side of Market Square being within the CA. As I consider that the proposal would preserve those elements of the CA's setting that make a positive contribution to its significance, it should be treated favourably in accordance with paragraph 219 of the Framework.

¹ LPA reference 19/00456

² LPA reference 21/01061

16. I therefore conclude that the proposal would preserve the character and appearance of both the CA and the wider area. Consequently, although not determinative in relation to Appeal B, the proposal would accord with policies PM1 and HE2 of the Dover District Local Plan to 2024 (adopted October 2024). Together these policies seek a high quality of design which fosters a positive sense of place by requiring development in Conservation Areas to, amongst other things, respect the relationships between buildings and the spaces between them, and be appropriate to the character, appearance and historic function of the Area.

Other Matters

17. Dover Town Council has queried the functional necessity of a telephone kiosk given the widespread use of mobile phones, and referred to a needs analysis for the Market Street development which showed the need for a reduction in public telephones, resulting in surplus kiosks being removed. However, there is no requirement placed on the appellant to demonstrate the need for the development. The proposal aims to remove surplus kiosks, resulting in a net reduction of three kiosks, and thereby reduces clutter.

Conditions

18. The Council has provided a list of suggested conditions in the event that the appeals are allowed, which the appellant has had the opportunity to comment on.
19. For Appeal A, in the interests of certainty, I have attached the standard conditions relating to the commencement of development and compliance with the approved plans. In the interests of the character and appearance of the area, it is necessary to attach conditions to ensure that the existing telephone boxes are removed and the ground repaired using matching surfacing materials, and that the materials of the kiosk match the plans.
20. With regard to Appeal B, the five standard conditions as set out in the Regulations will apply, as confirmed in the Decision paragraph. A condition listing plan numbers, as suggested by the Council, is not necessary. However, in the interests of visual amenity, I have attached the conditions suggested by the Council to control the rate at which the screen changes, set a maximum luminance, and to display a blank screen if there is a fault. In the interests of public safety, I have attached a condition that advertisements resembling road signs should not be displayed.

Conclusion

21. Appeal A would accord with the development plan taken as a whole and there are no other material considerations to suggest that the decision should be made other than in accordance with it. Appeal B would not harm the visual amenity of the CA. Therefore, for the reasons given above, both appeals should be allowed.

J Heppell

INSPECTOR

Schedule of Conditions

Appeal A

- 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 PY4623-031-002 and NWP-KIOSK/001.
- 3) Before the development hereby permitted is brought into use, the existing telephone boxes shall be removed and the ground made good using surfacing materials which match the materials in the immediate vicinity.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no NWP-KIOSK/001.

Appeal B

- 1) The illumination of the proposed digital advertisement screen hereby permitted shall not be of a flashing type. There shall be no moving images and no sequencing of images over more than one advert and no message sequencing where a message is spread across more than one screen image. The images shall not change more frequently than every 10 seconds and the change in images shall take place instantaneously with no merging, fading or flashing.
- 2) The display shall have an inbuilt system that controls luminance and changing sunset and dawn times throughout the year. The maximum luminance from the digital advertisement screen hereby permitted shall not exceed the value of 300cd/sqm dusk to dawn (nighttime) and 2500cd/sqm dawn to dusk (daytime) in accordance with the submitted Planning and Design Statement received 17 October 2024 and the Institute of Lighting Professionals guide PLG 05/23.
- 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright nor too dull) and shall at all times be no greater than the recommended maximum daytime luminance value as detailed Institute of Lighting Professionals guide PLG 05/23.
- 4) The advertisement display shall, at all times, contain a mechanism to detect fault and default to a black blank screen until such a time that the repairs have been carried out.
- 5) No images displayed on the advertisement screen shall resemble official road traffic signs, traffic lights or traffic matrix signs.

End of schedule