



Appeal Decisions

Site visit made on 1 July 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal A Ref: APP/G5750/W/25/3359893

New World Payphones Telephone Box, Outside 20 Upton Lane, London E7 9LN

- 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 Newham.
 - The application Ref is 24/01479/FUL.
 - The development proposed is the removal and replacement of an existing telephone box outside 20 Upton Lane with a single black digital communications kiosk and ancillary advertisement and removal of associated telephone boxes.
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Appeal B Ref: APP/G5750/H/25/3359895

New World Payphones Telephone Box, Outside 20 Upton Lane, London E7 9LN

- 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 Newham.
 - The application Ref is 24/01480/ADV.
 - The advertisement proposed is the display of an internally illuminated digital advertising display integrated within replacement digital communications kiosk.
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the removal and replacement of an existing telephone box with a single black digital communications kiosk and ancillary advertisement at New World Payphones Telephone Box, Outside 20 Upton Lane, London E7 9LN in accordance with the terms of the application, Ref 24/01479/FUL, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for the display of an internally illuminated digital advertising display integrated within a replacement digital communications kiosk at New World Payphones Telephone Box, Outside 20 Upton Lane, London E7 9LN in accordance with the terms of the application, Ref 24/01480/ADV, dated 10 July 2024. 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 in the attached schedule.

Preliminary Matters

3. For the avoidance of doubt, I have taken the description from the application form in the banner heading for appeal A above. However, in my formal decision I have omitted reference to the address as this does not relate to an act of development. I have also omitted reference to the 'removal of associated telephone boxes' the telephone box

outside 126 Upton Lane is not in the appeal site and does not form part of the schemes under consideration in these appeals.

4. A description of the advertisement is not provided in the application form. For appeal B, I have therefore taken the description from the Council's decision notice and the appeal form in the banner heading and the decision.
5. As set out above, there are two appeals on this site. They differ only in that appeal A relates to planning permission and appeal B to express advertisement consent. Therefore, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
6. In respect of appeal B, the Regulations and the National Planning Policy Framework (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. Therefore, while I have taken relevant policies into account as a material consideration, they have not been determinative.
7. The Council refers to an emerging Local Plan, which was subject to consultation between July and September 2024. I have not been supplied with a copy of the emerging Local Plan. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and it is in any case at a very early stage of preparation. Therefore, my decision refers to the adopted Development Plan.

Main Issues

8. The main issue for appeal A is the effect of the proposed development upon pedestrian safety. The main issue for appeal B is the effect of the proposed advertisement on public safety.

Reasons

9. The appeal site is located along Upton Lane, within a predominately mixed-use area and relates to an existing telephone box and area of pavement. The footway in the vicinity of the appeal site contains street furniture such as a bus stop, litter bin, lamp post and street signs and is bordered by premises mostly in commercial use at ground floor. The surrounding footway is of moderate width but where street furniture is present, this restricts the usable surface available to pedestrians. At the time of my visit, both the footway and Upton Lane were generally highly trafficked.
10. The proposed replacement phone kiosk would be a similar scale and footprint to the existing telephone box, but it would be positioned closer to the kerb, thus increasing, albeit minimally, the available width of the footway. The kiosk would have an illuminated digital advertising panel which would display a range of static images on rotation, changing every ten seconds.
11. The plans indicate that the replacement kiosk would be approximately 1.98m away from the adjacent shopfront. It would be similar in scale and footprint and positioned slightly further from the building frontage than the existing telephone box. Therefore, it would not have any greater effect on the availability of pavement or reduce the amount of usable footway in the immediate area.
12. The width between the kiosk and the building would exceed the absolute minimum footway clear zone width of 1m as cited within Transport for London's Streetscape

Guidance (2022 revision 2) (the TfL Guidance). As the distance would be greater than 1.5m, there would be sufficient space for a wheelchair user and person walking to pass each other in accordance with the TfL Guidance. There would also be adequate space for a frontage zone adjacent to the building and unobstructed access to the adjacent shops. Therefore, since the minimum width in the TfL Guidance would be exceeded and the kiosk would be no closer to the building than the existing phone box, it would neither present greater hindrance to disabled people nor create an additional obstruction for those who are visually impaired.

13. I acknowledge that the TfL Guidance sets a preference for a minimum 2m unobstructed width of the footway clear zone and some of the furniture zone design standards diagrams show a separate frontage zone to the footway clear zone. However, the diagram at page 210 shows a 1m wide footway clear zone between the side of the building and adjacent street furniture and does not provide a minimum frontage zone width. My attention has not been drawn to any part of the TfL Guidance which states that the footway clear zone must exclude any frontage zone adjacent to the building either.
14. The guidance is also clear that the width of the footway clear zone should relate directly to the character and use of the street and particularly to the volume of pedestrians. Limited evidence has been submitted to demonstrate that this part of Upton Lane suffers from an adverse walking experience or that pedestrian flows are currently unsafe. Therefore, given the absolute minimum footway width set in the TfL Guidance would be met and in the absence of any compelling evidence to the contrary, I find the proposed width would be acceptable. Considering this, and the replacement nature of the proposal, the kiosk would not noticeably alter, impede or obstruct pedestrian movements or result in harm to pedestrian safety.
15. In respect of Appeal B, the advertisement itself is integral to the kiosk and the Council has not identified any concerns that are specifically related to the advertisement in terms of public safety other than the effect the kiosk would have on footway clearance. Consequently, for reasons given above, I am satisfied that the advertisement would not obstruct pedestrian movements or have a harmful effect on public safety.
16. The Highway Authority raises an objection to various telephone box applications and the documents provided refer to the potential implications of such development on the Romford Road public realm improvement works. I have not been supplied with any details of these works. However, I note that appendices 2, 3 and 4 of the Highway Authority comments appear to relate to an alternative application outside 614 Romford Road and it is not clear how these documents relate to these appeals. Therefore, this does not alter my findings.
17. Consequently, in respect of Appeal A, I conclude that the proposed development would not result in harm to pedestrian safety. It therefore accords with Policies SP3, SP7 and SP8 of the Newham Local Plan 2018 (the NLP) and Policies D8, SD6 and T2 of the London Plan (2021) (the LP). Amongst other things, these promote developments that secure well-designed, accessible and inclusive public realms and walkable, healthy streets, with appropriately located street furniture to support pedestrian amenity and movement. It would also accord with paragraph 117 of the Framework which amongst other things, seeks to avoid unnecessary street clutter and minimise the scope for conflict between pedestrians, cyclists and vehicles.

18. In respect of Appeal B, I conclude that the proposed advertisement would not harm public safety. I have taken into account the abovementioned policies of the NLP and LP which seek to protect public safety and so are material in this case. Given that I have concluded that the proposal would not harm public safety, it does not conflict with these policies.
19. While the Council's decision notice refers to Policy D4 of the LP, this is not relevant to my determination of these appeals given it relates to the processes, actions and techniques to be used in the design evolution of a development proposal.

Other Matters

20. The appeal site is located within the Forest Gate Town Centre Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The CA encompasses the historic town centre focused on Woodgrange Road which is the spine of the shopping centre. Based on the evidence before me and what I saw, the significance of the CA, insofar as is relevant to these appeals, is primarily associated with its enclosed linear layout, well defined active frontages, historic fabric and traditional materials, and its function in terms of the local community and the provision of local services.
21. The buildings around the appeal site have been substantially altered at ground floor with unsympathetic commercial frontages and signage. The appeal telephone box is one of several pieces of modern street furniture in this location. In this contemporary commercial context, the appeal site makes a neutral contribution to the CA. Bearing in mind its extent, nature and location, the proposed replacement kiosk would not result in harm to the character and appearance and thereby significance of the CA.
22. I note the interested party concerns relating to matters including vandalism, fly tipping, anti-social behaviour, the appearance of the area and the need for such infrastructure. There is no robust evidence to suggest that this development would lead to an increase in crime or anti-social behaviour or that more people would loiter around the kiosk, particularly as the illuminated advertisement would highlight anyone standing nearby. The Council raised no concerns in relation to any adverse effect on the character or appearance of the area, and I see no reason to disagree. I am also not aware of any policy requirement for the appellant to demonstrate a need for the proposal. Moreover, while the value of street trees is not disputed, there is no alternative scheme before me to plant a tree and this is not a matter that weighs against the scheme.
23. The site falls within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC), which is a European site as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). The qualifying features of the SAC are its beech trees, wet and dry heaths and population of stag beetle which are vulnerable to recreational pressure from people visiting the forest and atmospheric pollution, primarily from road traffic. Considering the location, nature and scale of the proposal, I am satisfied it would not impact the qualifying features of the SAC and there would not be any likely significant effects. Therefore, it is not necessary for me to undertake an Appropriate Assessment.

Conditions

24. The Council has suggested several conditions which I have considered against the Framework tests and Planning Practice Guidance. Where appropriate, I have adjusted

the wording in the interests of clarity and precision. For Appeal A, in addition to the standard time-limit implementation condition, it is necessary to specify the approved plans and documents in the interests of certainty. However, I have omitted reference to the Planning Statement and Management Plan for clarity and given the latter is secured by a separate condition. I have also omitted the Kiosk Removal Plan given this relates to a telephone box outside of the appeal site and I have omitted the suggested kiosk removal condition for the same reason.

25. A condition is also imposed to ensure the ongoing maintenance and management of the kiosk in the interests of the character and appearance of the area and to ensure that the development does not increase crime and disorder. However, I have amended the wording as the submitted plan includes measures to deal with anti-social number use and an escalation and review process should issues arise.
26. For Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule, I have imposed conditions restricting the intensity of the illumination of the advert, restricting the advertisements to static images and the frequency of their changeover in the interests of the character and appearance of the area and highway safety. I have also imposed a condition to include a default freeze mechanism as suggested by the appellant in the event of malfunction for the same reasons. However, I have added the option to default to a black or blank screen in the event the advertisement display itself malfunctions.

Conclusion

27. For the reasons given above and having regard to all other matters raised, I conclude that Appeal A would accord with the development plan as a whole and therefore Appeal A should be allowed.
28. In respect of Appeal B, for the reasons given above, I conclude that the appeal should be allowed, and express consent granted, subject to the five standard conditions set out in the Regulations and the additional conditions set out in the schedule below.

H Whitfield

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 the following drawing nos and document:
 - Site Location Plan
 - Site Plan ref. PY4623-019-003
 - Elevations ref. PY4056/005
 - Specification Document Proposed Public Telephone Kiosk.
- 3) The development hereby permitted shall be managed in accordance with the management plan measures detailed in the Management Plan NWP Digital Communications Kiosks in Newham, dated June 2024, for the lifetime of the development.

Appeal B

- 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 candela.
- 2) The minimum display time for each advertisement shall be 10 seconds and the advertisement display panel shall display static images only.
- 3) The advertisement display panel shall include a mechanism to default to a frozen advertisement or a blank or black screen in the event of any malfunction.

**** END OF SCHEDULE ****