
Appeal Decisions

Site visit made on 5 August 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH of September 2025

Appeal A Ref: APP/T2215/W/25/3363383

Pavement o/s 4 Spital Street, Dartford DA1 2DL

- 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 BT Telecommunications plc against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01373/FUL.
 - The development proposed is the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/T2215/H/25/3363384

Pavement o/s 4 Spital Street, Dartford DA1 2DL

- 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 BT Telecommunications plc against the decision of Dartford Borough Council.
 - The application Ref is DA/24/01374/ADV.
 - The advertisements proposed are described as the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
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Decision

1. Both appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Despite sharing the same description of development, appeal A relates to the refusal of planning permission for the street hub installation and appeal B for consent for the advertisement element. I have dealt with them together to avoid repetition and given the cross over in regard to the main issues. In addition, the Council has drawn my attention to relevant development plan policies. I have taken these into account as material considerations in appeal B since power to control advertisements may be exercised only in the interests of amenity and public safety.
4. In regard to appeal A, the Council set out that the application did not include a certificate to show the scheme was in accordance with the International Commission for Non Ionising Radiation Protection (ICNIRP) guidelines. One has been submitted with the appeal. I am comfortable to accept it and consider it as

part of the appeal and that no party would be prejudiced as a result. This would realistically be the only way for the appellant to seek to address the relevant reason for refusal. The certificate confirms that the proposed telecoms equipment would meet the exposure guidelines, and I have no reason to disagree with it. I have not considered the matter further.

Main Issues

5. The main issues for appeal A are the effect of the street hub installation on the character and appearance of the area with specific regard to the Dartford Conservation Area (CA) and the setting of a listed building and highway safety with specific regard to the movement of cyclists and pedestrians. This translates to amenity and public safety (including crime and antisocial behaviour) respectively for the purposes of the advertisement regulations and the signage in appeal B.

Reasons for the Recommendation

Character & Appearance, the CA, Setting of a Listed Building and Amenity

6. The appeal site is the outer edge of the pavement to Spital Street, very close to where it meets High Street when travelling towards it. There are currently two run down public call boxes which would be replaced. Directly ahead on this approach is the grade II* listed Royal Victoria and Bull Inn which is a very early 18th Century former coaching inn. Its scale, prominent street frontage position (as an important functional and nodal building to the London to Canterbury and Dover Road) and high-quality period architectural detailing mean it makes an important historic and visual contribution to both the street scene and the significance of the CA.
7. For appeal A, the hub would be tall and dark in its finish and interrupt views of the side and part of the front elevation of the listed building on approach to the High Street. It would be something of an improvement on the existing situation and the tired condition of the phone boxes but taking into account its added width and increased impermeability as a structure, the hub would detract from the ability to appreciate the period architectural qualities of the listed building, its significance as a building of importance and the positive contribution it makes to the CA as such. It would be read along with more modern parade style shop units and in amongst other street furniture, but the latter is very lightweight and thus visually recessive. The road approach is a sensitive vista onto the more historic high street and thus the installation would not be visually appropriate for the above reasons.
8. In the case of appeal B, the proposal would introduce illuminated advertisements to street level. The size and level of illumination of the screens carrying them, as well as any associated moving imagery if there is to be any, would have a similar distracting and impinging effect on the significance of the building's setting and that of the CA for very similar reasons. Such imposition, visually, would be exacerbated during nighttime hours.
9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to preserving the listed building or its setting or any features of special architectural or historic interest. Section 72 of the act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA. Paragraph 212 of The National Planning Policy Framework 2024 (The Framework) places emphasis on great weight being given to an asset's conservation.

10. Given the assessment above, the proposal would neither preserve or enhance the character or appearance of the CA and would unacceptably affect the setting of the grade II* listed building. Due to the scale of the development in context, the harm would be less than substantial. That said, and by virtue of the above matters and the Framework's stance in regard to a given asset(s) conservation, it would be at the upper end thereof. As directed by paragraph 215 of the Framework, the harm identified will be weighed against the public benefits of the proposal. The appellant has put forward a number of public benefits that the hub would provide including free wi-fi and calls, device charging and interactive technology along with others. I afford these benefits moderate weight which would not be sufficient to outweigh the harms I have found.
11. With regard to appeal B, the statutory duties apply in advertisement appeals in so far as they relate to the consideration of amenity. The question of considering the harm against the public benefits as required by the National Planning Policy Framework is not applicable.
12. Nevertheless, appeal A would be contrary to Policies D1, D2, D6, M1, M5 & M6 of the Dartford Plan 2024 (LP) which are concerned with conserving heritage assets amongst other things. With regard to appeal B, the proposal would cause harm to amenity which is contrary to the aforementioned policies as far as they are material thereto and, critically, the above-mentioned regulations.

Highway/ Public Safety

13. The appeal site was particularly busy with pedestrians at the time of my site visit. There is a cycle lane marked out on the pavement. The proposed hub would only be marginally wider than the existing telephone boxes that are a well established and visible part of the pavement. Overall, the proposal would have a lesser land take and therefore there would be more space available for pedestrians including those that have disabilities and cyclists on the pavement. The proposed hub would not be positioned within the marked cycle lane. It would be clearly visible and would not be detrimental to legibility for users of the pavement due to the low-level other street furniture nearby.
14. Given the nature of the use of the hub, the potential for a congregation around the unit is unlikely. Furthermore, the illuminated nature of the adverts would draw the eye and would therefore illuminate any users thereof too. An anti-social behaviour management plan is in place for the street hubs that addresses some of the Council's concerns and further provides specific advice for the Council if there were to be any future issues.
15. With regard to appeal A, there would be no harm to pedestrian and cyclist movements or any perceived criminal activity/anti-social behaviour as a result of the proposal. It would therefore meet the requirements of Policies D1, D2, M1, M2, M15 and M16 of the LP which are concerned with protecting public safety amongst other things. With regard to appeal B, there would not be any harm to public safety as a result of the proposal and therefore it would comply with the same policies as far as they are material to the main issue and be acceptable under the regulations in regard to this main issue.

Other Matters

16. Although the proposed development would not amount to additional street furniture in net terms, the existing telephone boxes do not have such a block-like appearance, are of a lesser height and are lighter weight, more permeable structures. The proposal is part of a wider scheme to replace telephone boxes, and I agree that the existing phone boxes are in a bad state of repair however their removal would not justify the harm that I have identified above.

Conclusion and Recommendation

17. For the reasons I have set out, appeal A would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. Appeal B would cause harm to amenity, contrary to the regulations. The lack of harm I have found on the second main issue would be neutral and incapable of weighing in the scheme's favour. I therefore recommend that the appeals should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeals are dismissed.

John Morrison

INSPECTOR