



Appeal Decisions

Site visit made on 27 August 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal A Ref: APP/P5870/W/25/3359761

New World Payphones Telephone Boxes, Outside 522 - 524 London Road, Sutton, London SM3 8HW

- 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 New World Payphones against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01399.
 - The development proposed is removal and replacement of existing telephone boxes with single black digital communications kiosk and ancillary advertisement.
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Appeal B Ref: APP/P5870/H/25/3359763

New World Payphones Telephone Boxes, Outside 522 - 524 London Road, Sutton, London SM3 8HW

- 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 the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01400.
 - The advertisement proposed is removal and replacement of existing telephone boxes with single black digital communications kiosk and ancillary advertisement.
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Decision

1. Appeal A is allowed, and planning permission is granted for the removal and replacement of existing telephone boxes with single black digital communications kiosk and ancillary advertisement at New World Payphones Telephone Boxes, Outside 522 – 524 London Road, Sutton, London SM3 8HW in accordance with the terms of the application, Ref DM2024/01399, 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 numbers: Site Location Plan, NWP-KIOSK/001, PY4623-029-002.
 - 3) The development hereby permitted shall be carried out in accordance with the Fire Safety Strategy (Part A) Reasonable Exception Statement completed by Ben Porte.
2. Appeal B is allowed, and express consent is granted for the removal and replacement of existing telephone boxes with single black digital communications kiosk and ancillary advertisement at New World Payphones Telephone Boxes, Outside 522 – 524 London Road, Sutton, London SM3 8HW in accordance with the

terms of the application, Ref DM2024/01400. 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 following additional condition:

- 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per metre.

Appeal Procedure

3. 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 and Main Issue

4. The description on Appeal B's application form differs to the decision notice. I am however satisfied that it still accurately describes the proposal so the main parties would not be prejudiced by me using it. In addition, a revised National Planning Policy Framework (Framework) was published prior to the determination of this appeal. The substantive parts of the new version do not however differ from the previous insofar as they relate to the main issue.
5. Descriptions aside, appeal A relates to planning permission for the installation and Appeal B advertisement consent thereon. To avoid duplication, I have dealt with the two schemes together. In respect to Appeal B, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out the relevant considerations for this type of appeal. These are amenity and public safety. The Council have not raised concerns surrounding the impact on amenity and I have no reason to disagree.
6. The main issue is intertwined and relates to both appeals. It is the effect of the installation on highway safety which, for the purposes of the advertisement regulations and that element, translates to public safety.

Reasons for the Recommendation

7. The appeal proposal is to be sited within the public highway replacing two existing telephone boxes. The pavement is modestly sized with some street furniture including bollards, a bus stop, electric vehicle charging station, lampposts and signage to the edge, leaving the remaining pathway unincumbered. Adjacent the pavement is a layby in which vehicles can parallel park. It is distinct from the main vehicular carriageway.
8. The Council have used the same reason for refusal for both schemes. The focus in both officer reports is around the siting of the kiosk rather than the impact of the advertisement on public safety. Therefore, and in terms of Appeal B, the Council have not raised any concerns that the advertisement alone would have an impact on public safety under the regulations. I have no reason to disagree. Therefore, I will focus on the physical structure and its effect on highway safety for the purposes of Appeal A.
9. The replacement kiosk as mentioned above is to be sited within the same position as the existing telephone boxes. The design of the kiosk is to be primarily similar, however there will be a reduction in built form in due to the loss of a telephone box. Even with a minor increase in width, it would still accord with the TFL's streetscape

guidance in footway clear zones as well as there being only a small portion of the pavement interrupted by the kiosk with the rest remaining unincumbered.

Resultantly, I am satisfied that the pavement is a sufficient size in which users could pass comfortably with minimal obstructions. Moreover, I do not see it being detrimental to the passage of less able-bodied people, the elderly or those with small children.

10. The new kiosk is to have an open side which would run parallel to the layby. The vehicular spaces being in a separate layby would result in slower speeds when parking as they would not need to escape the highway quickly. In addition, the parking bays are laid out within the layby with additional buffer space for vehicles to enter without going near the kerb. Any driver would clearly be able to see the new kiosk. An existing situation which would not change. Users of the kiosk would stand to the side of the parking layby and whilst they may have their backs to entering vehicles from one direction, their peripheral vision would still have sight of any vehicle parking in the space. This combined with the low-speed vehicles would enter the space along with no evidence of kerb mounting on site leads me to conclude, taking this and the above into account, that appeal A would not give rise to any adverse effects in terms of highway safety.
11. It would therefore comply with Policy T2 of the London Plan 2021, Policy 36 of the Sutton Local Plan 2018 and Sutton's Urban Design Guide 'Creating Locally Distinctive Places' Supplementary Planning Document, and the National Planning Policy Framework 2024. In terms of Appeal B, the advertisement signage as a whole would be acceptable in public safety terms since it would be an integral part of the kiosk installation. It would thus satisfy an assessment under the 2007 regulations. The provisions of the development plan, so far as they are relevant, have been considered as material to the main issue in appeal B but they have not been determinative.

Conditions

Appeal A

12. The time limit condition and reference to the approved plans are required for enforcement purposes. I have not included a matching materials condition since details thereof are shown on the plans and I consider them acceptable. The Council have recommended a condition in which the development should comply with the submitted fire safety strategy. Given the policy reasoning and its high street location, I deem the condition reasonable and necessary.

Appeal B

13. The standard conditions apply to the consent as per Schedule 2 of the 2007 regulations. As the signage is illuminated, and in the interest of amenity and the context of the wider street scene, it would be necessary to apply a condition to limit the illuminance level. The Council have recommended a condition that the development is secured by the plans. However, as the application is for express consent any deviation would require a new consent and therefore the condition is not necessary.

Conclusion and Recommendation

14. For the reasons given above, both appeals would comply with the development plan and satisfy the regulations respectively. There is nothing sufficiently compelling to consider them otherwise. I therefore recommend they are both allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeals are allowed, subject to the conditions specified.

John Morrison

INSPECTOR