



Appeal Decisions

Site visit made on 2 December 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2026

Appeal A Ref: APP/N5660/W/25/3373362

Pavement o/s 423 Brixton Road, London SW9 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by NWP Street Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/01728/FUL.
 - The development proposed is the installation of 1no. new Communications Kiosk with integrated advertising display to replace existing Telephone kiosks, plus associated Telephone kiosk removal.
-

Appeal B Ref: APP/N5660/H/25/3373320

Pavement o/s 423 Brixton Road, London SW9 8HE

- 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 NWP Street Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/01729/ADV.
 - The advertisement proposed is 1no. Digital advertisement display within proposed New Communications Kiosk.
-

Decisions

1. Appeal A is allowed and planning permission is granted for the installation of 1no. New Communications Kiosk with integrated advertising display to replace existing Telephone kiosks, plus associated Telephone kiosk removal at Pavement o/s 423 Brixton Road, London SW9 8HE in accordance with the terms of the application, Ref 25/01728/FUL, subject to the following conditions in the attached Schedule.
2. Appeal B is allowed and express consent is granted for the display of the 1no. Digital advertisement display within proposed New Communications Kiosk at Pavement o/s 423 Brixton Road, London SW9 8HE in accordance with the terms of the application, Ref 25/01729/ADV. 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. There are two appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. While considering each on its own merits, I have dealt with both in a single decision letter. I am also the Inspector

appointed to determine eight appeals¹ within the Borough of Lambeth for the same appellant and development types. Although I have also determined each appeal on their own merits, the similarity in the reasons for refusal results in some duplication in how I have addressed common matters.

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reasons for refusal for Appeal B refer to policies contained in the Lambeth Local Plan 2020-2035 (the Local Plan) and the London Plan 2021 (the London Plan), they are material considerations rather than being decisive in the determination of this appeal.
5. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area (CA).

Main Issues

6. For Appeal A the main issue are: i) the effect of the proposal on the character and appearance of the area, including whether the proposal would preserve or enhance the character or appearance of the Brixton Road and Angell Town CA; ii) the effect of the proposal on the safe and efficient operation of the highway; and iii) the effect of the proposal on crime and anti-social behaviour.
7. For Appeal B The main issues are the effect of the proposed advertisements on: i) the visual amenity of the area; and ii) public safety.

Reasons

Character, appearance and amenity

8. The appeal site is situated on a wide pavement, located within Brixton town centre and the Brixton Road and Angell CA. The CA includes a variety of high-quality, historic commercial buildings set among those of more recent construction with contemporary commercial shopfronts. The railway viaducts are imposing structures and, alongside the nearby tube station, the area is characterised by busy pedestrian and vehicular activity. I consider that the significance of the CA, insofar as it relates to these appeals, is mainly derived from the quality and variety and communal value of the historic buildings related to the evolution of the commercial and social development of the area.
9. The proposed development involves removing an existing double red telephone kiosk, which is closely positioned next to the railway viaduct and replacing it with a single, multifunctional communications kiosk. This modern unit includes a digital touchscreen, a telephone, and a defibrillator, as well as a large, south-facing integral screen for digital advertising. The replacement hub is a more compact and contemporary structure reflecting a traditional phone box design.
10. The siting of the proposed kiosk creates a large larger gap between the structural piers of the viaduct than currently exists. However, it would not appear overly

¹ Appeal references: linked appeals 3373021 and 3373035; linked appeals 3373356 and 3373319; linked appeals 3373362 and 3373320; and Linked appeals 3372896 and 3373288.

conspicuous or incongruous, as it would not be seen in stark isolation, but against the backdrop of the dominating and large bridge columns and more contemporary shopfront pilasters. The existing kiosks are shabby and the proposed design would offer a visual improvement here, providing a cleaner contemporary structure with traditional design elements. The kiosk readily integrates into the mixed historic and more modern commercial character of the locality.

11. The proposal would not result in additional street clutter as the existing kiosks would be removed. The town centre is not proliferated by digital advertising. However, given the vibrant nature of the area during the day, the individual scale of the proposal, set against the large shop fronts and imposing viaduct would not be overt or particularly eye catching, particularly as images would be static. As such the advertising screen would not unacceptably add to the dominance of the kiosk causing it to be imposing or unsuitable for the area and would not jar against the vibrancy of other commercial businesses.
12. Taking into account the siting, scale and appearance of the kiosk, I conclude that the overall effect of the development upon the character and appearance of the CA would be a neutral one. As such there is no requirement for me to weigh the public benefits of the scheme.
13. For Appeal A, the proposals would preserve the character and appearance of the CA and would not harm the character or appearance of the area and amenity. In respect of Appeal A the proposal would accord with Policies Q2, Q5, Q6, Q17, Q22, T9 and PN5 of the Local Plan. Together, these seek to ensure that proposals, including digital connectivity infrastructure do not harm the visual amenity of the public realm respond to positive aspects of the locality and for advertisements to not harm amenity, alongside preserving the character or appearance of conservation areas. For the same reasons, it is concluded that Appeal B would not harm the visual amenity of the area.

The operation of the highway and public safety

14. There will be a minor loss of pavement space because the siting of the kiosk extends beyond the footprint of the existing red kiosks. Furthermore, users of the kiosk may temporarily obstruct the newly formed gap between the structure and the viaduct. However, this is not a significant infringement, as the new kiosk would occupy a smaller total area than the existing ones and will allow for pedestrian access when not in use.
15. The pavement is also very wide, and the placement will not impact any specific desire lines, such as those leading to a crossing, particularly since the viaduct piers already restrict access in that area. The layout maintains at least a satisfactory 2-metre clearance on either side of the structure and between the structure and the viaduct. Although this is a busy town centre, the remaining space is sufficient and will not unacceptably hinder pedestrian movement, including for those using pushchairs, mobility scooters, or wheelchairs.
16. For Appeal A, I therefore conclude that there would not be a harmful effect on the safe and efficient operation of the highway or public safety in this regard. The proposal would accord with Policies Q17, T1 and T2 of the Local Plan T4 of the London Plan. Together and insofar as they are relevant to the proposal these seek to ensure such proposals do not harm highway or public safety, giving highest priority to walking and accessibility for pedestrians. For the same reasons, it is

concluded for Appeal B that the proposed advertisement would not give rise to unacceptable public safety concerns.

Crime, anti-social behaviour and public safety

17. The Council contends that physical digital advertising kiosks can attract anti-social behaviour or create blind spots that lead to crime, particularly in high-footfall areas. It is noted that the Officer report evidenced by the Council advises that the comments from the Design Out Crime Officer for this proposal state “*No policing reason to object to the application.*” As such there is insufficient evidence that the location of the existing red kiosks causes particular concerns.
18. It has been suggested that the distraction caused by the advertising screens could increase a pedestrian’s vulnerability to opportunistic crime. However, the surrounding area is already a dynamic environment where advertisements on buses, taxis, public art, banners, and retail frontages constantly vie for attention. The proposed screen would neither be of a scale nor so alien to this location as to cause a significant new distraction. Within such a vibrant setting where many competing elements exist, it has not been demonstrated that the proposal would be likely to unduly distract or absorb individuals as they go about their activities.
19. The proposal would lack a full perpendicular elevation. This more open nature of the proposed kiosk allows for greater observation. Whilst the space remaining between the viaduct column creates an enclosed area, the proposal also lacks a full roof, apart from a very small canopy over the screen. Furthermore, there would be more space for concealment and loitering underneath the railway viaduct itself, which provides a larger covered area.
20. The proposal has also been accompanied by a management plan, prepared in 2022 following liaison with Metropolitan Police Designing Out Crime Officers. This plan details a maintenance strategy comprising weekly inspections, cleaning, and specific measures to avoid misuse and anti-social behaviour. The submitted plan includes the potential to install cameras and limit Wi-Fi and calls to specific numbers. Notably, to address concerns regarding the abuse of kiosk facilities for obtaining illegal drugs, no free calls to mobiles or landlines are proposed, nor are any charging facilities provided.
21. Overall, in the absence of substantive evidence to the contrary for Appeal A, In conclude that the proposal addresses the implications of the development in relation to crime/anti-social behaviour and public safety. As a result, the scheme is considered to accord with Policy Q3 of the Lambeth Local Plan. This requires proposals design out crime based on an understanding of the locality and likely crime and safety risks presented. For the same reasons, it is concluded for Appeal B that the proposed advertisement would not give rise to unacceptable public safety concerns.

Other Matters

22. The Council state that the proposed kiosk would not be well used for telephone call purposes given the rise in mobile telephone use. However, for those without access to a landline or working mobile, or in areas with poor mobile coverage, a public call box can be the only option for making calls to friends and family, helplines and, crucially, emergency services or for those in distress or children without a mobile phone.

23. The Council has raised concerns about the ability of people to use a defibrillator in the correct way. This requires the user to contact emergency services, and instructions provided and are intended to be used by people with no prior experience.
24. The Council did not refuse the proposal on the effect on the living conditions of the occupiers of nearby homes. There are no external speakers proposed. This would therefore adequately address issues of noise and conditions can address light pollution that could affect the quality of sleep. Nor did the Council consider the proximity to commercial businesses would reduce footfall, thus affecting local businesses and this concern has not been substantiated.
25. Whilst the additional removal of red kiosks and tree planting is proposed at 124 Acre Lane, there is no mechanism before me to fully explain where this is or how this would be achieved. However, for the reasons given above the development is acceptable on its own merits.

Conditions

26. I have imposed the conditions suggested by the Council, which relate to commencement of development, accordance with plans, and removal of the structure if no longer required. I have also referenced that the development should operate in accordance with the Management Plan provided by the appellant.
27. In respect of Appeal B the five standard conditions set out in Schedule 2 of the Regulations are imposed in the terms of my decision, it is not necessary for me to repeat them in this decision. I have also considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance.
28. I have not imposed conditions relating to the duration of consent or maintenance as these are defined in the decision and standard conditions of the Regulations. I agree that suggested conditions relating to; the illumination and display are all necessary in the interests of amenity and public safety. Although the appellant has not provided comment on these, they did have the opportunity to review the suggested conditions at final comments stage, and therefore these conditions have been imposed.

Conclusion

29. For the reasons given above, I conclude that Appeal A accords with the development plan as a whole. Appeal A and consequently Appeal B should therefore be allowed.

K Williams

INSPECTOR

Schedule of Conditions Appeal A Ref: APP/N5660/W/25/3373362

- 1) The development to which this permission relates must be begun no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings and documents: Location Plan; NWP-KIOSK/001 Elevations; 4820-003-002 Site Plan; PY4056/003 Existing Elevations; and the Management Plan Measures in in Section 2 of the New World Payphones, New Communications Kiosks Management Plan September 2024.
- 3) The structure hereby permitted shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication or electronic communications purposes.

End of Schedule

Schedule of Conditions Appeal B Ref: APP/N5660/H/25/3373320

- 1) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Act 1984.
- 2) No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
- 3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out in Table 10.4 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) ‘Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m².
- 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institute of Lighting Professionals - Professional Lighting Guide (PLG 05) ‘Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m².

End of Schedule

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N5660/W/25/3373362	NWP Street Limited
Appeal B	APP/N5660/H/25/3373320	NWP Street Limited