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# Appeal Decisions

Site visit made on 18 June 2024

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11 July 2024**

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## **Appeal A Ref: APP/X5210/W/24/3340980**

### **Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR**

- 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/2893/P.
  - The development proposed is replace an existing telephone kiosk with an upgraded telephone kiosk.
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## **Appeal B Ref: APP/X5210/H/24/3340981**

### **Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR**

- 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2023/4641/A.
  - The development proposed is display of an LCD digital advertising screen attached to a replacement, upgraded telephone kiosk.
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## **Decision Appeal A**

1. Appeal A is allowed, and planning permission is granted to replace an existing telephone kiosk with an upgraded telephone kiosk at Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR, in accordance with the terms of the application, Ref 2023/2893/P, in accordance with the conditions set out in the attached schedule.

## **Decision Appeal B**

2. Appeal B is allowed, and express consent is granted for the display of an LCD digital advertising screen attached to a replacement, upgraded telephone kiosk at Existing Telephone Kiosk Outside 371 Euston Road, London NW1 3AR. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the additional conditions set out in the attached schedule.

## **Preliminary Matters**

3. As set out above there are two appeals on this site that were submitted together on a single application form covering both planning permission and express consent to display advertisements. They differ only in that appeal A is for planning permission and appeal B is for express advertisement consent. I have considered each proposal on its individual merits. However, to avoid

duplication I have dealt with the two schemes together, except where otherwise indicated.

4. 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. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative.
5. The appellant did not provide a description of development within the application form and I have therefore taken these from the Council's decision notices.

### **Main Issues**

6. The main issues for appeal A are;
  - the effect of the proposal on the character and appearance of the area,
  - the effect of the proposal on highway safety; and
  - whether the proposal would increase opportunities for crime and antisocial behaviour.
7. The main issue for appeal B is the effect of the proposal on the amenity of the area.

### **Reasons (appeal A and appeal B)**

#### *Character, appearance and amenity*

8. The appeal proposal would be installed in place of an existing kiosk which is located within the footway. The footway is wide and is close to a multi laned road which was generally high trafficked during the time of my site visit. The edge of the footway is bordered by substantial buildings with a mix of uses.
9. The proposal would be a similar size to the existing unit, and so would not add to street clutter in the area. However, it would be upgraded to display advertisements on an LCD screen rather than in printed form.
10. I note that there are similar advertisements nearby, however, as the proposal is for a replacement advertisement there would be no increase in advertisements and therefore the proposal would not result in any additional advertisements. The simple design and display screen would also not stand out above and beyond the previous printed style advertisement, particularly in light of the dominance of the surrounding built form much of which is glazed and draws attention away from the advertisement.
11. The Council are of the view that a legal agreement is necessary to secure the removal of the existing advertisement, other advertisements in the area and for maintenance of the unit.
12. However, the proposal is to replace and upgrade an existing unit and therefore could not be implemented unless the other advertisement was removed. The application also only relates to a single advertisement, so it is also not necessary for other advertisements in the area, not subject to the appeal before me to be removed.

13. In regard to the maintenance of the proposal, the appellant has submitted a management plan with the application which refers to a number of ways that the advertisement would be used and managed. The standard conditions also set out in the regulations require that advertisements are maintained in a condition that does not impair the visual amenity of the area.
14. For these reasons, I am satisfied that a legal agreement would not be necessary to secure the removal of the existing unit and ensure the new units management and maintenance.
15. I therefore conclude that the proposed telephone box and its attached advertisement would not harm the character and appearance of the area or its amenity. In relation to appeal A, and insofar as it is a material consideration for appeal B, I find no conflict with Policy D1 of the Camden Local Plan 2017 (LP). Amongst other things, this seeks to ensure that development respects local context and character and integrates well with surrounding streets.

#### *Highway safety*

16. The proposal would be a similar size to the existing unit which occupies a position on a wide, unobstructed pavement. I note that the Council consider the area to have a high level of footfall which could increase through further rail services becoming operational in the future, however, there would be sufficient space on the remainder of the pavement for pedestrians to pass with ease.
17. The remaining footway exceeds the recommended minimum width for high footfall locations as outlined within the Transport for London Pedestrian Comfort Guidance for London. I acknowledge that the advertisement would still create an obstruction within the footway, however, on the basis of the minimum width being exceeded and the location being no different to the advertisement already in situ, it would not unacceptably impede or obstruct pedestrian movements and sightlines.
18. I therefore conclude that the proposed development would not unacceptably harm highway safety. I find no conflict with Policies G1, A1, C6 and T1 of the LP. Amongst other things, these seek to ensure that development is of a high quality, that adequately addresses transport impacts and are accessible.

#### *Crime and antisocial behaviour*

19. The proposal would display advertisements on an LCD screen as opposed to the printed advertisements currently being displayed. While the advertisement would still be a solid structure there is no evidence to suggest that more people would loiter and, in any case, it would be less attractive for people to loiter due to the illuminated advertisements which would highlight anyone standing nearby.
20. A number of design changes are also proposed which seeks to reduce opportunistic crime such as phone snatching through the removal of shelving and also the use of toughened glass to reduce the risk of damage through impact. The unit would also include a camera which would be activated after a certain period of time should people loiter in the sheltered area and phone calls would be limited to landlines which would help to prevent concealment opportunities, damage and crimes.

21. I therefore conclude that the proposed development would not increase opportunities for crime and antisocial behaviour. I find no conflict with Policy C5 of the LP. Amongst other things, this seeks to ensure that development incorporates design principles which contribute to community safety and security.

### **Other Matters**

22. I note the appeal decisions<sup>1</sup> put to me by the Council. However, I do not have the full details of these appeals and in any case, each appeal should be considered on its own merits.

23. However, in respect of these appeal decisions, these relate to different proposals and areas, where the Inspector in each case considered the specific site characteristics which are not the same as the appeal site before me. I note that the Inspectors considered some of these advertisements would create clutter, however, for the reasons outlined I have found that the replacement kiosk would not in the appeal before me.

### **Conditions**

24. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.

25. In regard to appeal A, condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.

26. Condition 3 is required to ensure that the structure is removed when no longer necessary to ensure no unnecessary structures are retained. Condition 4 is required to ensure that the surface materials match the existing to maintain the character and appearance of the area.

27. Condition 5 is required in required in order to ensure that the telephone kiosk is managed in accordance with the maintenance schedule and ensure that the Council can exercise control over this.

28. In regard to appeal B, the conditions set out in the attached schedule are in addition to the five standard conditions set out in the Regulations. The standard conditions are not repeated in the schedule.

29. I have imposed additional conditions 1, 2, 3 and 4 to control the level of illuminance, restrict moving images, display and interval time to ensure that they do not harm the character and appearance of the area or create a distraction for pedestrian and vehicular traffic.

30. I have imposed conditions 5 and 6 to ensure that advertisements displayed do not resemble traffic signs and that the footway and carriageway is not blocked during installation and maintenance of the unit. Condition 7 is to ensure that the advertisement does not emit music or sounds in order to protect the amenity of occupiers of nearby premises.

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<sup>1</sup> APP/X5210/W/18/3195370, APP/X5210/Z/18/3204104, APP/X5210/W/22/3290309, APP/X5210/W/22/3290310, APP/X5210/W/20/3253878 and APP/X5210/W/20/3253540

**Conclusion**

31. For the reasons set out above, and having had regard to all other material considerations, I conclude that appeals A and B should be allowed.

*D Wilson*

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 drawings nos: Annexe to Hub Unit Management Plan; A02298 (5 pages); Appendix A - Kiosk Detail
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 purposes.
4. All new or replacement surface materials should match the existing adjacent surface materials.
5. The telephone kiosk, including its electronic features, shall be managed in accordance with the Communication Hub Management Plan dated June 2023, for the lifetime of the development.

### **Schedule of Conditions – Appeal B**

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
2. The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
3. The minimum display time for each advertisement shall be 10 seconds.
4. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
5. No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
6. The footway and carriageway on the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction

during the installation must maintain at all times the clear space needed to provide safe passage for pedestrians.

7. No music or sound shall be emitted from the advertisements displayed.