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## Appeal Decision

Site visit made on 31 March 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

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### Appeal A Ref: **APP/X5210/W/24/3354417**

#### **Pavement outside of 27 Chalk Farm Road, London NW1 8AG**

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2024/3312/P.
  - The development proposed is the installation of a “Pulse Smart Hub” with integrated digital screens.
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### Appeal B Ref: **APP/X5210/H/24/3354419**

#### **Pavement outside of 27 Chalk Farm Road, London NW1 8AG**

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2024/3452/A.
  - The advertisement proposed is advertising forming an integral part of a smart communications hub.
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## Decisions

1. Appeals A and B are dismissed.

## Procedural Matters

2. The pair of appeals relate to the same overall proposal. They differ only in that Appeal A is for planning permission for the proposed hub structure and Appeal B is for express advertisement consent for the digital display screens. I have considered each part of the proposal on its individual merits. However, to avoid duplication I have dealt with the two parts of the proposal together, except where otherwise indicated.
3. In respect of Appeal B the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Matters relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

## Main Issues

4. The main issues in respect of Appeal A are:
  - (i) the effect of the proposal on the character and appearance of the street scene and the settings of the nearby listed buildings and the nearby Regent's Canal Conservation Area, and
  - (ii) the effect of the proposal on highway safety and crime.
5. The main issues in respect of Appeal B are the effects of the proposed advertisements on the amenity of the area and on public safety.

## Reasons

### *Character, Appearance and Amenity*

6. The appeal site comprises an area of pavement in front of 27 Chalk Farm Road, which forms part of a handsome 3-storey terrace with commercial premises on the ground floor. The pavement includes relatively closely spaced trees, a bench and cycle stands. The site is close to the road junction between Chalk Farm Road and Hartland Road and opposite the entrance to Camden Market, which includes the grade II\* listed Stables Yard and the grade II listed Stanley Sidings, and forms part of the Regent's Canal Conservation Area (CA). The terrace, the appeal site and the trees form a key aspect of the settings of the aforementioned heritage assets and the combination of these element creates a high quality urban environment.
7. The proposal would comprise the installation of an approximately 2.54m high by 1.28m wide by 0.35m deep communications hub with its larger sides at right-angles to the road. It would be made from a mix of dark grey anodised metal, fiberglass, and laminated glass and approximately 1.66m high by 0.93m wide illuminated digital screens would be integrated into the 2 main elevations. These would display static advertising content that would change no more frequently than every 10 seconds. Luminance levels during hours of operation are proposed to be limited to 600 cd/m<sup>2</sup> (dusk to dawn) and daytime levels adjusted automatically up to a maximum potential brightness of 2000 cd/m<sup>2</sup>. The hub would be capable of providing free Wi-Fi and phone calls with charging facilities, wayfinding / mapping services, local information provision, 999 emergency service and safety buttons, built-in defibrillator, and nasal naloxone opioid antagonist.
8. There have been several applications for prior approval for telephone kiosks at the appeal site, an allowed appeal in 2018<sup>1</sup> and dismissed appeals in 2019<sup>2</sup> and 2020<sup>3</sup>. The 2018 approval has since expired. The earlier appeals were all considered in the context of the Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) rather than against development plan policies. In addition, the current proposal for a hub is materially different from the earlier kiosk schemes. Whilst I have had regard to my colleagues' observations in respect of the earlier appeals, the current proposals must be considered on their individual merits.

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<sup>1</sup> APP/X5210/W/17/3202786

<sup>2</sup> APP/X5210/W/18/3211455

<sup>3</sup> APP/X5210/W/19/3225170

9. The proposed hub would have a smaller footprint than a traditional telephone kiosk. However, it would be a good deal wider than most call boxes and in terms of its size and appearance would be more akin to an end wall of a bus shelter. It would be sited a short distance from the edge of the road and would therefore be a highly visible element in views looking along Chalk Farm Road in both directions. In the context of the nearby trees and the handsome traditional terrace, the hub would be a bulky, prominent, and incongruous addition to the street scene. I therefore conclude that due to its siting, size and appearance the hub would have an unacceptable effect on the appearance of the street scene and the settings of nearby heritage assets.
10. The Council has suggested that a maintenance plan should be secured via a legal agreement. I concur that a plan of this nature is necessary as, over a period of time, it is likely that the appearance of the hub would deteriorate due to age, use and possible vandalism. Without a maintenance plan in place, there is a strong possibility that due to deterioration over time the hub would cause further harm to the character and appearance of the area in the future. A legal agreement of this nature would therefore be necessary to make the development acceptable in planning terms.
11. For the reasons given above the proposal that is the subject of Appeal A therefore fails to accord with Policies D1 and D2 of the Camden Local Plan (2017) (CLP) which, amongst other matters, seek to ensure that new development is well designed and does not harm the character and appearance of an area.
12. Due to their size, siting and appearance the proposed digital display screens would be highly visible and visually intrusive features in the street scene that would exacerbate the harm identified above. The proposed advertisements, the subject of Appeal B, would therefore result in unacceptable harm to visual amenity.
13. I have taken into account CLP Policies D1, D2 and D4 which, amongst other matters, seek to protect amenity and are therefore material to Appeal B. Given I have concluded that the proposed advertisements would harm amenity, it follows that there is conflict with these policies.

#### *Highway Safety, Public Safety and Crime*

14. Although the pavement in front of No. 27 experiences relatively high levels of pedestrian activity a large proportion of it is unobstructed therefore allowing the free flow of pedestrians. The proposed hub would be sited close to the road in the portion occupied by the trees and the bench. It would therefore be outside the primary zone of pedestrian activity and would not result in any greater impediment to the flow of pedestrians. I am therefore satisfied that the proposed hub would not have an unacceptable effect on public and highway safety in this respect.
15. However, the proposed hub would be sited directly opposite the entrance to Camden Market and close to the road junction with Hartland Road and a dropped kerb where an off-road cycle lane filters onto the road. Due to its siting and size the hub would reduce visibility along the road for pedestrians and cyclists leading to an increased risk of physical harm to road and pavement users in this location. This would be exacerbated by the digital screens which would be a distraction in this busy environment.

16. Metropolitan Police Crime Prevention Design Advisor has objected to the appeal proposals for a number of reasons including that the on-street provision of Wi-Fi, free calls and phone charging could assist those intent on criminal activity in the local area and that the size of the hub would enable it to be used to screen criminal activity, including stealing phones that are being charged. Based on the information before me, I see no reason to take a contrary view on this matter.
17. For the reasons set out above I conclude that due to their siting, size and appearance both proposals would result in unacceptable levels of harm to highway and public safety and are therefore contrary to the aims of CLP Policies G1, C5, C6 and T1 which seek to ensure that new developments prioritise walking and cycling routes and that they do not result in harm in relation to safety and security.

### **Other Matters**

18. The appellant has identified a range of potential public benefits that would arise from the proposed hub including free ultrafast Wi-Fi, free phone calls to landlines, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities and a defibrillator. Many of these features can be accessed by most members of the public by other means and therefore the public benefits are limited. Whilst the inclusion of many public facilities is laudable, there is no mechanism before me to ensure these features would be adequately maintained and retained into the future, so those benefits that may exist could be short-lived. I therefore conclude that the public benefits outlined by the appellant do not outweigh the harm identified above.

### **Conclusions**

19. For the reasons set out above, and having regard to all other matters raised, I conclude that appeals A and B should fail.

*S Poole*

INSPECTOR