



Appeal Decision

Site Visit made on 21 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/X5210/W/20/3258813
128 Euston Road, London, NW1 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Euronet Worldwide against the decision of London Borough of Camden.
 - The application Ref 2020/1166/P, dated 5 March 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the installation of Automated Teller Machine (ATM) within shopfront at ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development includes a proposed advertisement. This is subject to a separate appeal¹.
3. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the area, 2) the living conditions of occupants of the flats above the unit, and 3) whether the development would increase opportunities for crime and anti-social behaviour in the local area.

Reasons

Character and appearance

5. The appeal site is located on Euston Road which is a busy street containing main-line railway stations, hotels, restaurants and other commercial premises. The property to which the ATM is proposed to be installed is a ground floor currency exchange. Due to the protrusion of the adjacent commercial premises it is setback from the main pedestrian footpath that runs along Euston Road. It is also set behind a large street tree that is one of several that runs along this section of the road.
6. The proposed ATM comprises a relatively slim installation in a small part of the shopfront. Due to its size, it would not dominate or appear obtrusive in the

¹ APP/X5210/H/20/3258812

shopfront. Given the highly commercialised nature of the surrounding area, it would not appear out of character.

7. The Council have referred to the impact of the illumination on the character and appearance of the area. Although the advertisement element of the development is subject to a separate appeal, the illumination as it relates to the planning appeal constitutes a small panel above the ATM with illumination of 100 candela per sqm. I find that given the presence of street-lighting and other illuminated signage in the area, the level of illumination proposed over such a small area would not be dominant or cause harm.
8. I therefore find that the proposed ATM would not cause harm to the character and appearance of the area. It would comply with Policies D1 and D3 of the Camden Local Plan (2017) and the Camden Planning Guidance (2019). Collectively, these policies require that developments are of high-quality design, detailing and materials, which respects local character, and that ATM's are not dominant in the shop display frontage in terms of size or materials.

Living Conditions

9. There are residential flats above the unit to which the ATM is proposed to be installed. The Council consider that the proposal would increase levels of noise and disturbance, especially at night, and thus have an unacceptable impact on the living conditions of the occupants of these properties.
10. Although the residential units are set back from the main road and footpath, due to the significant traffic and pedestrian movements, they will inevitably experience a degree of noise and disturbance at all times. Although the ATM would be operational at all times, I find that it would be a relatively low-key incursion into an otherwise busy environment. The appellant has outlined that the sounds of the ATM can be switched off at night. Such a measure could be secured by an appropriately worded condition to minimise any noise generation.
11. The Council have also referred to the impact the illumination would have on the living conditions of occupants of the flats above the unit. Similar to my finding on this matter in relation to character and appearance, I consider that the light level and size of the proposed illumination combined with the existing context, the level of illumination would not cause harm in relation to living conditions.
12. I therefore conclude that the proposal would not cause unacceptable harm to the living conditions of residents above the unit. It would comply with Policy A1 of the Camden Local Plan (2017) which seeks to ensure, amongst other things, that the amenity of occupiers and neighbours is protected including having regard to noise.

Crime and Anti-social behaviour

13. The ATM is proposed to be installed in a shopfront that is set back from the main footpath and roadway. Due to the protrusion of the adjacent commercial premises it is a somewhat isolated area, which would be exacerbated when the unit to which it is proposed to be installed is not open. There is also a mature tree in front of the unit that provides further cover. This situation offers little natural surveillance.

14. Potential users of the ATM would be required to depart from the main thoroughfare, where they would be in an isolated and vulnerable position with little surveillance. Given that it would be clear to anyone intending to approach them that users would be withdrawing money this would leave users in a vulnerable position for a criminal to exploit. This is particularly relevant as given the number of main-line railway stations and hotels in the area, there would be a high footfall of tourists who are often seen as easy targets for criminals due to their potential for carrying cash and valuables, and naivety with the local area.
15. The physical make-up of the immediate surroundings would provide cover and favourable locations for rough-sleeping and begging as it would be close to ATM users who may give them cash. Whilst this may be in part an existing situation, the proposed installation would provide an additional attraction for such activities that would undermine initiatives to reduce rough sleeping and anti-social behaviour within the Borough.
16. The proximity of the ATM to the entrance gate for the flats above the units, would also leave residents vulnerable to the potential for criminal activity and anti-social behaviour described above, as well as, experience a similar level of fear of crime as ATM users.
17. I have also given weight to the comments made by the Metropolitan Police Crime Prevention Design Advisor, who objected to the proposed installation on the basis that it would generate crime, a fear of crime and an increase in anti-social behaviour.
18. The appellant outlines that measures such as CCTV, external lighting, a yellow box comfort zone and anti-ram raid bollards can be installed to overcome concerns in relation to crime and safety. Although such measures may alleviate the concerns I have identified, they are not sufficient to overcome the harm by way of the location of the installation that I have identified.
19. I therefore conclude that the development would have the realistic potential to increase opportunities for crime and anti-social behaviour. It would be contrary to Policy C5 of the Camden Local Plan (2017) which requires, amongst other things, that new development reduces crime opportunities and helps to create safe and secure places.
20. The proposal would also be contrary to guidance contained in the Camden Planning Guidance (2019) which requires ATM's to be located in such a manner as to reduce the risk of robbery.

Other Matters

21. The appellant has referred to an ATM installed at the adjacent Chinese Travel Centre. I do not have full details of this installation, also it is in a different location to the appeal proposal. I therefore give it little weight in the appeal, which I have in any event determined on its own individual planning merits.
22. The appellant has referred to the proposal as a necessary public facility. Given the number of ATM's in the surrounding area as put forward by the Council and as I observed on my site visit, I do not consider that the contribution of the proposal in terms of providing a public facility outweighs the harm I have identified.

Conclusion

23. Although I have found there would be no harm to the character and appearance of the area or the living conditions of occupants above the unit, this does not outweigh the harm I have identified in relation to crime and anti-social behaviour.
24. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR