



Appeal Decisions

Site visit made on 4 August 2021

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal A Ref: APP/X5210/C/20/3263255

111 Highgate Road, London NW5 1TR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Cardtronics UK Ltd (trading as CASHZONE) against an enforcement notice issued by the Council of the London Borough of Camden.
 - The enforcement notice was issued on 3 November 2020.
 - The breach of planning control as alleged in the notice is the "installation of an Automated Teller Machine (ATM) and panel surround."
 - The requirements of the notice are:
 1. Completely remove the unauthorised ATM and panel surround and reinstate a single panel of glass into the shopfront;
 2. Remove any resultant debris from the land and make good any damage.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/X5210/W/20/3263250

111 Highgate Road, London NW5 1TR

- 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 Cardtronics UK Ltd (trading as CASHZONE) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/5899/P, dated 25 October 2019, was refused by notice dated 9 October 2020.
 - The development proposed is described as "The retention of an automated teller machine and associated signage."
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Appeal C Ref: APP/X5210/Z/20/3263253

Post Office, 111 Highgate Road, London NW5 1TR

- 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 Cardtronics UK Ltd (trading as CASHZONE) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/6285/A, dated 25 October 2019, was refused by notice dated 9 October 2020.
 - The advertisement proposed is described as "The retention of an automated teller machine and associated signage."
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Decision Appeal A

1. The appeal is dismissed and the enforcement notice is upheld. Planning

permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision Appeal B

2. The appeal is dismissed.

Decision Appeal C

3. The appeal is dismissed.

Procedural Matters

4. Each of the appeals relate to the same site and the same shop-frontage. 'Appeal A' relates to the deemed planning application for what is alleged within the Enforcement Notice. 'Appeal B' is against the refusal of planning permission for the same development although the description used on the application form included reference to "associated signage" which is not a matter that can be considered under the terms of that appeal. It is however the subject of 'Appeal C'. I will consider 'Appeal A' and 'Appeal B' together but then 'Appeal C' separately.
5. With respect to 'Appeal C', the appellants state that notwithstanding what is set out on the application, illumination has been removed. I am dealing with the application as it was submitted which relates to the signage immediately above and below the ATM with its illumination.

Appeals A and B

Main Issues

6. There are 2 main issues in 'Appeal A' and 'Appeal B'. The first is the effect of the development on crime and community safety at this site and nearby. The second main issue is the effect of the development on the character and appearance of the building and surrounding area.

Reasons

7. The appeal site comprises a mid-terrace ground floor shop unit located on the west side of Highgate Road which is part of a modern four-storey building. This is an urban area which, at the time of my visit on a summer week-day afternoon, was very busy. The building includes retail units at ground floor level and self-contained residential flats above. The shop faces towards but is set-back from Highgate Road. There are two separate footways along this part of the road, one of which is set-down below road level and the other which runs directly alongside and at a similar level as the carriageway.

Crime and community safety

8. The façade of the building is directly along the back edge of the lower, wide footway. Between the higher and the lower footways there is a railing as well as a cobbled ramp, bicycle stands and line of mature trees. Next to the shop-front, there is a large, metal utility cabinet. The Automated Teller Machine (ATM) is to the left-hand side of the shop-front when looking from the road.
9. The physical barriers obscure views of the ATM from the road and from the higher footpath and from more distanced viewpoints on the eastern side of Highgate Road. There may be some limited views down to pavement level

from the residential properties within this terrace but generally, the ATM and people using are not directly or obviously overlooked. Street-light columns are positioned close to the edge of the road but I am not provided with evidence about the amount of artificial light along the lower footpath in front of the shop at night-time.

10. There are some active uses such as a restaurant with delicatessen within the same frontage but this alone would not in my view bring about sufficient activity to provide a deterrent to people loitering close to the site which has been raised as a concern by the Metropolitan Police. There is little natural surveillance of the position of the ATM from buildings, the footpaths or the road. This would be even worse at night-time and is not assisted by the position of the metal utility cabinet immediately outside the front of the shop which interrupts views along the back edge of the pavement. The obscuring of glazing close to the sliding shop-door due to a large amount of signage within the shop-front further reduces views of users of the ATM from inside the shop. A scheme for Closed Circuit Television (CCTV) has not been provided and it is not clear to me that the presence of such a system could overcome the deficiencies in natural, passive surveillance.
11. The ATM was installed in September 2019 and I am not provided with specific recorded criminal activity as a result. However, it has not been demonstrated how the development has used design principles to contribute to community safety and security or that would promote safer streets and public areas. Not all crimes, fear of crime or intimidating anti-social behaviour will be recorded. In relation to the first main issue, I consider that the development could have an adverse effect on crime and community safety at this site and nearby. This does not comply with the adopted Camden Local Plan 2017 (LP) Policy C5.

Character and appearance

12. The Council confirms that the site is outside of the Dartmouth Park Conservation Area (CA) the boundary of which, from the information provided, runs along the line of Highgate Road. There are a number of more traditional buildings on the opposite side of this busy main road.
13. The ATM has a functional appearance with little design ethos other than practical use being involved, but this is the nature of this type of development. ATMs have however become a modern part of our high streets.
14. As I explain above in relation to the first main issue, the site of the ATM as well as the shopfront changes as a consequence of its installation, are not prominent from the road and do not impact to any significant extent upon the wider street-scene on either side of Highgate Road. The setting of the CA is preserved.
15. The development does have a local visual impact upon the footpath along the front of the building, although aside from the addition of the advertisements, this impact is limited. The building has a modern design however and the ATM along with the shopfront alterations do not appear out of keeping given general characteristics of shopfronts along this part of the street. The local context and character in these respects are respected.
16. In relation to this second main issue, the development does not have a harmful impact upon the character and appearance of the building and surrounding

area. As such, in these respects, LP Policies D1 and D3 are complied with.

Other matters

17. The use and need for cash within society may be declining but these machines can still be vital for those who do not have the ability to use other modern payment methods. The evidence indicates that this ATM continues to be well used. The reduction of ATMs may be to the detriment of some people in society particularly given high street bank closures. I give limited weight in favour of the proposal due to these community benefits.
18. The appellant company has drawn attention to other ATMs that have been approved within the Council's area. I am not provided with sufficient detail to know how similar the merits of those cases were to the present appeals. The Council clearly doesn't discourage ATMs in some locations.

Conclusion Appeals A and B

19. The development is acceptable with respect to the second main issue and there are some other factors that weigh in favour of it. However, given my conclusion on the first main issue, I consider that the development plan as a whole is not complied with and there are no other material considerations that outweigh that conflict.
20. Appeal A) on ground (a) and the application for deemed planning permission fail and this along with Appeal B should be dismissed.

Appeal C

Main issue

21. The Council has not raised concerns about public safety issues in relation to the advertisement. I agree that even with the illumination it would not cause harm to public safety such as by distracting drivers of passing vehicles. The main issue is therefore the effect of the signage on the amenity of the site and surrounding area.

Amenity

22. As I have stated with respect to 'Appeal A' and 'Appeal B', the ATM does not have an adverse impact upon the character and appearance of the surrounding area. Notwithstanding that, I have upheld the enforcement notice which includes a requirement to remove the ATM, the panel surround and the reinstatement of a single panel of glass into the shopfront. These works would necessitate the removal of the structure upon which the advertisements are positioned. However, I consider that I should deal with the advertisements on their merits as they stood at the time of the application.
23. The site is set back from the street which along here includes modern commercial premises but where signage has a degree of subtlety to it. I did not visit at night-time and could see some projecting adverts which may be illuminated during hours of darkness. However, the plastic advertisements around this ATM lack subtlety and appear garish, brash and incongruous within the row of commercial premises.
24. The illumination which is illustrated within photographs that have been submitted, draws attention to these brash additions to the shop front. The

design appears to result from the integral illumination and so even if that can be prevented through the imposition of a condition, this would not substantially improve the appearance of these advertisements.

25. The appellant company has drawn attention to LP Policy A1 which relates to managing the impacts of development. Whilst not raised by the Council, the removal of illumination may overcome some impacts upon neighbouring residents but would not address this harmful impact upon the character, appearance, form and fabric of the building within this parade.
26. Overall, in relation to Appeal C, I consider that the signage would have a harmful impact upon the amenity of the site and surrounding area. In addition, this would not comply with LP Policies D1 and D4.

Conclusion Appeal C

27. For the reasons given above, I conclude that Appeal C should be dismissed.

A Harwood

INSPECTOR