



Appeal Decisions

Site visit made on 25 October 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal A Ref: APP/R5510/W/22/3294436

Pavement outside 6 Coldharbour Lane, Hayes UB3 3EW

- 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 J C Decaux UK Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76782/APP/2021/3631, dated 27 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is an open access Communication Hub.
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Appeal B Ref: APP/R5510/H/22/3294434

Pavement outside 6 Coldharbour Lane, Hayes UB3 3EW

- 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 J C Decaux UK Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76782/ADV/2021/48, dated 27 September 2021, was refused by notice dated 13 January 2022.
 - The advertisement proposed is an integrated LCD portrait screen that will be used to show static illuminated content.
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Decision

1. Appeal A and Appeal B are both dismissed

Preliminary Matters

2. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
3. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

Main Issues

4. The main issues in both Appeals A and B are the effect of the proposals on:
 - amenity and the character and appearance of the area; and
 - pedestrian movement and safety.

Reasons

Character and appearance/visual amenity

5. The appeal site is part of a high quality area of public realm in a bustling local shopping area. There is an array of existing street furniture, including trees, benches and an older style call box, but these are largely arranged in a co-ordinated and orderly fashion around the perimeter leaving the majority of the space open and uncluttered.
6. Although the proposed Hub would occupy a smaller area than the existing call box, it would be more prominently located and at odds with the alignment of the existing street furniture, such that it would be seen to intrude into the streetscape. The dynamic nature of the integrated LCD advertisement panel would draw further attention to the incongruous siting of the structure. As such, even taking into account the surrounding commercial context, the Hub would be an obtrusive addition to the clean and uncluttered open streetscape in this location.
7. For these reasons, the proposals would significantly harm the visual amenity and the character and appearance of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (the SP); Policies DMHB11, DMHB12, DMHB13A and DMHB21 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 (the DMP); and Policies D3 and D8 of The London Plan 2021 (the LP). Among other things, these require new development, including telecommunications works and advertisements, are sited and designed to minimise their visual impact, do not lead to visual clutter, and maintain the quality of the built environment and public realm.

Pedestrian movement and safety

8. Although the Hub would leave a wide footway along the shop frontages it would jut out beyond the existing street furniture into a busy multi-functional area of public realm where I saw that pedestrian movement patterns are less linear as they move through and around the space, including to the well-used seating areas. In doing so it would introduce a sizeable obstruction where none currently exists. This would make this busy section of public realm a more awkward area for pedestrians to negotiate and cause inconvenience, particularly for those with disabilities or visual impairments.
9. Therefore, the siting of the proposals would adversely affect the safe and efficient movement of pedestrians, contrary to Policy BE1 of the SP; Policy DMHB12 of the DMP; and Policies D3, D5 and D8 of the LP. Among other things, these seek to ensure the public realm is functional, provides for safe and direct pedestrian movement through the space, and is accessible and inclusive for all users.

Other Matters

10. I acknowledge the public benefits highlighted by the appellant, including the contribution towards Smart City transformation objectives, and delivery of fast, reliable and accessible communications out of home. I also recognise the support in the National Planning Policy Framework for the expansion of electronic communications networks. However, the benefits arising from this single unit would, in practical terms, only be modest. Furthermore, it has not

been demonstrated that this is the only location and manner in which the development could take place.

11. Separate to my findings in relation to pedestrian movements, I am satisfied that the proposals would not adversely affect public safety in relation to crime and anti-social behaviour.
12. My attention has been drawn to a number of appeal decisions that relate to similar proposals. However, they are in different areas and with their own unique contexts so have limited bearing on my consideration of this appeal.

Conclusion

13. I have found that the proposals would be harmful to visual amenity and the character and appearance of the area, as well as to the safe and efficient movement of pedestrians. In relation to Appeal A, there would also be conflict with the development plan in these regards. This harm outweighs any public benefits that would arise. Accordingly, both Appeal A and Appeal B should be dismissed.

A Caines

INSPECTOR