



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Thomas Johnston

Proposal:

Installation of 1 x open access Communication Hub and associated advertising consent

Appeal Site:

Land Fronting 6 Coldharbour Lane, Hayes

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning application ref: 76782/APP/2021/3631 (Appeal A) and the associated advertisement application ref: 76782/ADV/2021/48 (Appeal B), for the installation of 1 x open access Communication Hub and the associated advertising consent.
- 1.2 The LPA refused 76782/APP/2021/3631 (Appeal A) on the 10.12.21 and 76782/ADV/2021/48 (Appeal B) on 13.01.22 for the following reasons (as stated on the decision notice):

Appeal A:

1. The proposed communication hub, by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the character of the area and street scene. The proposal is therefore contrary to Policies BE1, BE13, BE26 and BE37 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 11, 12, 13A, 15 and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3, D5, D8 and T2 of The London Plan (2021); and the National Planning Policy Framework (2021)
2. The proposed communication hub, by reason of its design, scale and siting would result in a reduction of the width of the public footpath, disrupting the inclusive free flow of pedestrian traffic for all users, to the detriment of highway safety, contrary to Policy AM7 of the Hillingdon Local Plan: Part One - Saved UDP Policies (November 2012), Policies DMHB15 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies T2, T4, D3, D5 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).
3. The proposed communication hub, by reason of its design, scale and siting would result in obstructions to sight lines for public realm users having an adverse impact on perceived safety and increased risk of crime and public safety implications, contrary to policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

Appeal B:

1. The associated advertising for the proposed communication hub by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the visual amenity, character and appearance of the street scene and area. The proposal is therefore contrary to policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies DMHB 11, 12 and 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies D3 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

76747/APP/2021/3448 (Consent for Full Planning Permission) Appeal A

2.1 Within their statement of case the appellant has raised the following summarised points:

- The hub can be successfully integrated within busy urban environments without harming local character or the quality of the area.
- The appeal site does not lie within a conservation area and the nearest heritage assets are a significant distance away from the appeal site with Hayes.
- Modern developments and buildings are part of the character of the area.
- The Hub unit has a narrow profile and occupies a smaller area of footpath than a traditional kiosk found within other urban areas.
- The scale of the surrounding buildings will ensure the Hub unit does not dominate views nor harm the areas character.
- The hub would not detrimentally add to the amount of street furniture, rather it aligns with the current formation of other elements found on the street and not obstruct pedestrian desire lines.
- The installation of high quality and well-designed communication Hubs supports the Council's aim of creating attractive places and a high-quality public realm.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

2.2 The proposed development is not in keeping with the character and appearance of the area for reasons set out in section 1.2.1 of this report, as well as the delegated officers report and decision notice.

In support of this, the Planning Inspector for appeal APP/A5270/W/20/3264452 outside The Oaks Shopping Centre, High Street, Acton W3 6RE (Appendix 2) acknowledged that the hub would "stand out as a prominent and eye-catching feature" and therefore would not respect the character or appearance of the area.

Similarly, appeal ref: APP/A5270/W/20/3264450, adjacent to Kings Head PH, High Street, Acton W3 9LA (Appendix 3) concluded that “the new hub and advertisement display would materially harm the character and appearance of the local area.”

- 2.3 In regard to the proposed location of the scheme, it is important to understand the site context of this location.

This section of the Town Centre has been newly regenerated, part of these improvements to the town centre sought to rationalise and declutter the amount of street furniture in order to open up the public realm and encourage people to use the space by providing a visually open, safer and improved appearance and street scene. Therefore, it is noted that the siting and appearance of the proposed communication hub would severely undermine the £6m Hayes Town Centre improvements. The proposed communication hub would reverse these improvements, resulting in an increase in street clutter along this section of the town thereby impacting on the character and appearance of the Town Centre.

In addition, this area is close to the mosque and is also nearby to the Christmas Lights display, where the 26ft Christmas tree is installed. Therefore, the hub undermines the community space and severely impedes pedestrian flow.

Further to this point, the Council’s Access Officer has objected to the unit as the hub does not align with the existing street furniture in what is a relatively newly regenerated town centre, failing to comply with London Plan (2021) policy D5.

The hub would act as an obstacle on the section of pavement which would restrict the flow of pedestrians, potentially causing pedestrians to step out onto the highway or the cycleway to find room and overall cause harm to pedestrian, cyclist and public highway safety.

In a recently dismissed appeal ref: APP/A5270/W/20/3264449 outside The Lodge Tavern Ealing Broadway Centre, The Broadway, Ealing W5 3TA (Appendix 4) it was acknowledged that the “location of the hub would interrupt the free flow of pedestrians along the pavement”. Similarly, to this appeal the dismissed scheme was “very close to the road” and presented “a large obstacle very close to moving traffic and a bus stop”. It was therefore concluded that the proposal of “the large advertisement display would add to its prominence and level of distraction. This would be harmful to pedestrian movements and could be harmful to highway safety”, contrary to policy BE1 of the Hillingdon Local Plan: Part One (November 2012), policies DMHB15 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies T2 and T4 of the London Plan (2021).

76747/ADV/2021/43 (Consent to Display Advertisements) - Appeal B

The reason for refusal for Appeal B is noted above in section 1.2 and are within the delegated report. However, it is important to note that many of the points above support the dismissal of Appeal A are transferable and so in order to avoid repetition please refer to those responses when relevant.

2.4 Within their statement of case the appellant has raised the following summarised points:

- Advertisements will be sympathetic to the local area and feature a light sensor to adjust lighting levels to ambient brightness to ensure a suitable level is maintained.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

2.5 It is noted that there is not an existing kiosk in this location and that this section of the Town Centre has very little illumination and is very open, following regeneration works. In addition, there are concerns the advertisements would potentially establish an incrementally harmful, competitive signage (illumination) environment between the communication hub and shop fronts.

2.6 Furthermore, the conclusion of a similar appeal ref: APP/A5270/W/20/3264450, adjacent to Kings Head PH, High Street, Acton W3 9LA (Appendix 3), as reference earlier, is relevant when determining if the benefits of the Communication Hub outweigh the harm from the proposed illuminance. The Planning Inspector referred to the static images on the digital screen and identified that it "would visually accentuate its presence especially given its position at 'eye level' and when illuminated after dark". Similarly, due to the positioning of the proposed hub it would appear "overly dominant and visually intrusive even taking into account its urban street lit setting". In addition, even when limited to a maximum level of brightness it was concluded that it "would not satisfactorily mitigate its harmful visual impact". Therefore, the appeal was dismissed as the public benefits of the appeal schemes were "insufficient to outweigh the significant harm" identified.

2.7 It is important to try to quantify the public benefit offered when considering the harm identified in the planning balance. However, the evidence around this is limited and unconvincing. The Council consider that the evidence is lacking as to the likely scale and impact of the various benefits of the proposal, and therefore collectively have given them moderate weight. Moreover, the benefits that would be created would arise via a proposal that would be unacceptably harmful to the character and appearance of the area, and to amenity. Consequently, the Council find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified on the main issue.

3. Other Matters

3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

4. Conclusion

4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.

- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions

Appendix 2 – Pavement outside The Oaks Shopping Centre Appeal - Ref:
APP/A5270/W/20/3264452

Appendix 3 – Pavement adjacent to Kings Head PH Appeal - Ref:
APP/A5270/W/20/3264450

Appendix 4 – The Lodge Tavern Appeal – Ref: APP/A5270/W/20/3264449