
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: 07 November 2022

Appeal A Ref: APP/R5510/W/22/3292023

Pavement o/s Barclay's Bank, 142 High Street, Uxbridge UB8 1JX

- 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 BT Telecommunications PLC against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76747/APP/2021/3448, dated 27 August 2021, was refused by notice dated 13 January 2022.
 - The development proposed is installation of 1no new BT Street Hub, incorporating 2no digital 75 inch LCD advert screens, plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/R5510/H/22/3292025

Pavement o/s Barclay's Bank, 142 High Street, Uxbridge UB8 1JX

- 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 BT Telecommunications PLC against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76747/ADV/2021/43, dated 27 August 2021, was refused by notice dated 13 January 2022.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub.
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Decision

1. **Appeal A** is allowed and planning permission is granted for installation of 1no new BT Street Hub, incorporating 2no digital 75 inch LCD advert screens, plus the removal of associated BT kiosk(s) at Pavement o/s Barclay's Bank, 142 High Street, Uxbridge UB8 1JX in accordance with the terms of the application Ref 76747/APP/2021/3448, dated 27 August 2021, subject to the conditions in the schedule to this Decision.
2. **Appeal B** is allowed and express consent is granted for two digital 75 inch LCD display screens, one on each side of the Street Hub, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the schedule to this Decision.

Preliminary Matters

3. 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.
4. 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.

5. For clarity, 142 High Street is located on the corner of High Street and Belmont Road. The proposed Street Hub would be located outside No 142's Belmont Road frontage.

Main Issues

6. The main issues for Appeal A are whether the proposal would preserve or enhance the Old Uxbridge/Windsor Street Conservation Area, and its effect on pedestrian movement and public safety.
7. The main issues for Appeal B is the effect of the advertisements on amenity, with regard to the Old Uxbridge/Windsor Street Conservation Area, and the effect on public safety.

Reasons

Conservation Area

8. The appeal site is part of the pavement on Belmont Road and lies just within the northern part of the Old Uxbridge/Windsor Street Conservation Area (the CA). This part of the CA is focused on the early buildings fronting onto this short section of the historic High Street and includes mostly two and three-storey buildings with commercial units at ground floor. In so far as it is relevant to this appeal, I consider that the significance of the CA is mainly derived from the quality of its early buildings, historic layout, and the relationships of these to each other and the surrounding public realm.
9. There is already an existing telephone kiosk at the site which has an illuminated poster panel on the rear. The proposal seeks its replacement with a Street Hub in the same position. A previous advertisement appeal relating to another style of replacement Hub at this site was dismissed in 2019 (APP/R5510/Z/18/3214330). I note that the Inspector did not have any concerns over the digital displays during daylight hours, but found that their illumination at night would have a harmful prominence due to "a lack of an overabundance of advertising in this area".
10. I therefore undertook two inspections, one during the daytime and another when it was dark. I saw that this is a bustling town centre location with a very strong commercial character. The immediate surroundings are dominated by the large modern shopping centre buildings to the south and west. These contain numerous illuminated advertisements. Whilst the advertisements on the northern side of Belmont Road are more restrained in comparison, there are still a number of illuminated signs on the Bank, at the neighbouring restaurants, and on the bus stop. There is also the illuminated advert on the existing kiosk itself which is a long-established feature of the street scene. Moreover, the street scene is experienced as a whole and is, in my view, noticeably influenced by the overall number of illuminated advertisements.
11. Thus, even though the proposed Hub and its double sided digital displays would have an increased visual prominence compared to the existing kiosk, I do not consider that they would be unduly intrusive or disruptive elements in this street scene given the strong commercial character and prevalence of illuminated signage that I saw. Furthermore, there would be little visual

relationship with the historic High Street and any listed buildings along it. In addition, as the proposal is a replacement structure, there would be no increase in the amount of street furniture in this location and therefore no additional cluttering effect.

12. For these reasons, notwithstanding the previous appeal decision, it is my judgement that the Hub could be assimilated into this street scene without causing material harm to the visual amenity of the area or eroding any of the elements which contribute positively to the significance of the CA.
13. The Council refers to the potential cumulative effects with other applications to be submitted for similar proposals in the area, but no specific details are given. In any event, such proposals would need to be considered at the relevant time and on their own merits, which is the approach I have taken in this appeal. My attention was also drawn to a number of appeal decisions for similar developments elsewhere, but as they relate to different contexts they have very limited bearing on my consideration of this appeal.
14. I therefore conclude that the proposals would not be harmful to visual amenity and would preserve the character and appearance of the CA. Thus, the proposals comply with the design, public realm, advertisement, telecommunications, and historic environment protection objectives of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (the SP); Policies DMHB1, DMHB2, DMHB4, DMHB11, DMHB12, DMHB13A and DMHB21 of the Hillingdon Local Plan Part Two - Development Management Policies 2020 (the DMP); and Policies HC1, D3 and D8 of the London Plan 2021 (the LP). For the same reasons, they comply with Parts 12 and 16 of the National Planning Policy Framework (the Framework).

Pedestrian movement and safety

15. As noted above, with the removal of the existing telephone kiosk there would be no increase in the amount of street furniture in this location. The Hub would have a small footprint within a wide, open pavement and would remain aligned with the other existing street furniture. It would also be no closer to the bus stop, which in any event is not within a close proximity. Thus, a wide footway and adequate pedestrian visibility along the pavement would be maintained. In addition, whilst I note the concerns from the Council in relation to crime and anti-social behaviour, I have little evidence before me to suggest that the proposals would give rise to this.
16. Therefore, the proposals would not adversely affect pedestrian movements or public safety in this location, and so, comply with the pedestrian safety and accessibility objectives of Policy BE1 of the SP; Policies DMHB12 and DMHB15 of the DMP; and Policies D3, D5 and D8 of the LP.

Conditions

17. I have considered the conditions suggested by the parties in light of the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording and I have only imposed those conditions which meet the relevant tests.
18. For **Appeal A**, the standard time limit and approved plans conditions are imposed for certainty. A condition requiring the removal of the approved development after it is no longer required for electronic telecommunication

purposes is necessary to avoid unnecessary clutter in the public realm. However, as the plans show that the existing telephone kiosk would be removed as part of the development, a condition to that effect is not necessary. In addition, the removal of any other telephone box outside the application site is not a matter which can be reasonably secured by this planning permission.

19. **Appeal B** is subject to the five standard advertisement conditions in the interests of safeguarding visual amenity and public safety. Further conditions are necessary to control the timing and transition between advertisements in the interests of public safety. I also find that conditions are needed to control the intensity of the illumination between dusk and dawn to that specified by the appellant in the interests of visual amenity.

Conclusion

20. For the reasons given, I conclude that both appeals should be allowed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev A, 002 Rev A, 003 Rev A.
- 3) Any apparatus or structure provided in accordance with this approval shall be removed from the land as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

Appeal B

- 1) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 2) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- 4) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays, and the display will include a mechanism to freeze the image in the event of a malfunction.