



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr James Browne

Proposal:

Installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75 LCD advert screens,
plus the removal of associated BT kiosk(s).

Appeal Site:

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

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: 76747/APP/2021/3448 (Appeal A) and the associated advertisement application ref: 76747/ADV/2021/43 (Appeal B), for the installation of 1 no. new BT Street Hub, incorporating 2 no. digital 75 LCD advert screens, plus the removal of associated BT kiosk(s).
- 1.2 The LPA refused both planning permissions on 13.01.2022 for the following reasons (as stated on the decision notice):

Appeal A:

1. The proposed communications hub, by reason of its design, scale, siting, illumination and creation of additional street clutter, would harm the appearance of the surrounding townscape, Old Uxbridge / Windsor Street Conservation Area and the settings of the adjacent Grade II listed buildings. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, 3, 4, 11, 12, 13A, 15 and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies HC1, D3, D5, D8 and T2 of The London Plan (2021), and the National Planning Policy Framework (2021).
2. The proposed communications hub, by reason of its scale and siting, would result in a reduction of the width of the public footway, disrupting the inclusive free flow of pedestrian traffic for all users to the detriment of pedestrian and 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), Policies T2, T4, D3, D5 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).
3. The proposed communications 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 BE1 of the Hillingdon Local Plan: Part One (November 2012), 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 on the 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, street scene, visual amenities and the wider Old Uxbridge/Windsor Street Conservation Area. The advertisement would fail to preserve or enhance the significance, character or appearance of wider listed buildings and would therefore be detrimental to the significance of designated heritage assets which are located within the immediate vicinity of the site. The proposal is therefore contrary to Policies HE1 and BE1 of the

Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 1, 2, 4, 11, 12 and 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policy HC1 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 benefit outweighs the harm
- Existing public phone box and street furniture give weight to the proposed
- The proposed location outweighs the sense of impact given that it is located on the edge of the designated area

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 appellant has noted a number of appeal decisions in their submission. However, they failed to refer to a recent appeal on a near identical site, which was dismissed (Appendix 2):

Appeal C - Ref: APP/R5510/Z/18/3214330
Belmont Road (Outside Barclays Bank), Near junction with High Street, Uxbridge
UB8 1JX

In this appeal, the Inspector considered an advertisement proposed in the display of an internally illuminated digital LED screen to both sides of the proposed free standing InLink.

Describing the appeal site, also relevant here. The inspector noted: The site is located along Belmont Road, which is a particularly wide urban street, near to the town centre area of Uxbridge. The Council state that the commercial nature of this area is "fairly low key". The site lies within, but on the edge of, the Old Uxbridge/ Windsor Street Conservation Area (the CA), which stretches to the north. The CA contains traditionally proportioned and detailed buildings which positively contribute to its character and appearance. Within the CA there is also a general lack of advertising, other than on shopfronts.

This informed the reasons to dismiss where the inspector stated: “I find that during darkness it would be a strident addition to the street and an overly prominent feature, notwithstanding nearby commercial properties. The positioning of displays to both sides of the units, together with the illumination and changing nature of the advertisement, would result in an unacceptable and harmful prominence, in an area which lacks an overabundance of advertising”.

There has been no change in policy or circumstance to warrant a different conclusion here. The proposal remains harmful to the site and conservation area, particularly in terms of visual amenity.

- 2.3 The conclusion of a similar appeal ref: APP/A5270/W/20/3264450, adjacent to Kings Head PH, High Street, Acton W3 9LA (Appendix 3) is relevant when determining if the benefits of the Communication Hub outweigh the harm. 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.

This appeal also concluded that “the new hub and advertisement display would materially harm the character and appearance of the local area.” Similarly, to the site context of this appeal, it would conflict with local policies and with the statutory duty to ensure heritage assets are protected.

Furthermore, the Planning Inspector for appeal APP/A5270/W/20/3264452 outside The Oaks Shopping Centre, High Street, Acton W3 6RE (Appendix 4) acknowledged that the hub would “stand out as a prominent and eye catching feature” and would “pay little regard to the historical context of the area and whilst it would provide a modern communication facility with the addition of a Defibrillator, it would not preserve or enhance the character or appearance of the Conservation Area”.

- 2.4 The appellant has raised two examples of similar schemes allowed at appeal:

- Appeal Ref APP/R5510/Z/19/3225667 BT InLink Kiosk Fronting 157-158 High Street, Uxbridge UB8 1JY (2019)
- Appeal Ref APP/T5150/Z/18/3201678 o/s Peacocks, 47-51 High Street, London NW10 4NJ (2019)

All of the schemes listed above were approved prior to adoption of the London Plan (2021). Specifically relevant to this appeal the London Plan seeks to ensure the protection of heritage sites, namely the Old Uxbridge/ Windsor Street Conservation Area in this respect.

In addition, it is prior to the adoption of Hillingdon Local Plan: Part Two - Development Management Policies in 2020.

The site context of the application fronting 157-158 High Street (APP/R5510/Z/19/3225667) is vastly different and not comparable given that the allowed scheme is on the fringes of the Conservation Area, within a busy commercial area. The proposed scheme is located out of the main shopping area, with the surrounding building having limited level of illumination. Crucially the difference between the two schemes is the presence of a busy bus stop and close proximity to the shop entrance. In addition, the proposed scheme is placed on a narrowing section of the pavement, which would become crowded with its use.

Furthermore, the conclusion raised by the Inspector in this appeal, is resultant from the existing harm caused by the pre-existing telephone kiosk, which in this case does not set a precedent. Similarly, the second appeal referred to above, the appellant has raised the point that it would not add to the physical level of street furniture, due to the removal of the existing kiosk. As mentioned in the delegated officers report, it is welcomed that the existing BT phone booth kiosk is to be removed, however its existence does not establish the principle of the permanence of such street furniture within the conservation area as it is acknowledged that the existing kiosk detracts from the character and appearance of the conservation area and street scene. It is also noted that the siting and appearance of the proposed communication hub would severely undermine the 2018 Uxbridge Town Centre improvements; the improvements to the town centre sought to rationalise and declutter the amount of street furniture throughout the High Street in order to provide an improved appearance.

Additionally, the latter previously allowed scheme (mentioned above) is in a different borough, on vastly different roads to the appeal site, as such their street scenes and character are different and therefore the types of development which are acceptable on each respective road varies. Furthermore, as those proposals were located outside of the borough were not assessed against local policy, therefore not directly relevant to this appeal.

- 2.5 In regard to the location of the existing and proposed schemes, it is important to understand the site context of this location. It is acknowledged that the proposed location is similar to that of the existing hub, however the current location is very close to an extremely busy bus stop at the end of the route where a large number of people disembark, the obstacle on the section of pavement would restrict the flow of pedestrians, potentially causing pedestrians to step out onto the highway to find room and overall cause harm to pedestrian and public highway safety. Therefore, it is concluded that the proposed hub would also present as an obstacle on this section of pavement, obstructing the nearby bus stop and restricting the flow of pedestrians and cause harm to pedestrian 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 5) 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) .

- 2.6 The appellant has dismissed the importance of this section of the Conservation Area, siting that the location is on the “edge” of Old Uxbridge / Windsor Street Conservation Area. Contrary to this point, this section forms a historic entrance into High Street which retains a number of early buildings, many of which are statutory listed, therefore forming a very important and relevant part of the Conservation Area.
- 2.7 Finally, touching again on the public benefit argument, this is helpfully discussed in detail in another relevant appeal decision, reference earlier (Appendix 4):

Appeal A Ref: APP/A5270/W/20/3264452 Outside The Oaks Shopping Centre, High Street, Acton W3 6RE

In this appeal the Inspector is clear, “the evidence does not convincingly demonstrate the frequency with which the various user functions offered would be likely to be used”. This applies in this case too; evidence is limited regarding the public benefit.

The Inspector concludes on this point: “Overall, I note that the evidence is lacking as to the likely scale and impact of the various benefits of the proposal, and therefore collectively I 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, including the setting of the conservation area. Consequently, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified on the first main issue..

In this case, even if tangible public benefits could be afforded substantial weight (which is not the case), given the previously appeal decisions and the sensitive setting of the appeal site, the proposal would be unacceptable harmful to the character and appearance of the area, and to amenity, including that of the conservation area.

A full copy of this appeal is detailed in Appendix 4.

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.

- 2.8 Within their statement of case the appellant has raised the following summarised points:
- The existing kiosk display’s advertisements
 - The advertisement will be static
 - Appeal site is well-lit with vibrant shop frontages
 - Replacement nature of scheme will not lead to clutter

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

- 2.8 Whilst it is acknowledged that the existing kiosk does display advertisements, these are not of a digital nature and are not internally illuminated as proposed. The appellant has further emphasised that the display would feature static images. The difference in illumination gives significant weight to the dismissal of this proposal within Conservation Area.

The appellant has also described the area as “well-lit” with “vibrant frontages”. This is contrary to the site location and is discussed in detail, above.

- 2.9 The appellant has raised three examples of similar schemes allowed at appeal:

- Appeal Ref APP/T5150/Z/18/3201678 o/s Peacocks, 47-51 High Street, London NW10 4NJ (2019)
- Appeal APP/Z4310/W/18/3205104 and APP/Z4310/W/18/3205102 Church Street (Outside No.1-5 Forever 21) (2018)

Similarly, to above, the first scheme was prior to the adoption of the London Plan (2021). Furthermore, it is noted that the conclusion made by the Planning Inspector specifically relates to the location of the proposed scheme itself (situated away from the Jubilee clock), rather the assumption that the hub as a whole has neutral impact on the Conservation Area and nearby listed buildings.

In addition, the latter appeals are based in Liverpool which are based in a completely different site context, in a built-up town centre with illuminated signage being a common feature. Greater weight has been attached to the appeal decision on the same site.

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 – Belmont Road (Outside Barclays Bank) Appeal - Ref:
APP/R5510/Z/18/3214330

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

Appendix 4 – Pavement outside The Oaks Shopping Centre Appeal - Ref:
APP/A5270/W/20/3264452

Appendix 5 – The Lodge Tavern Appeal – Ref: APP/A5270/W/20/3264449