



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Thomas Johnston

Proposal:

Installation of a multi-functional Communication Hub including advertisement display

Appeal Site:

Pavement outside 8 Clive Parade, Green Lane, Northwood

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: 76740/APP/2022/1701 (Appeal A) and the associated advertisement application ref: 76740/ADV/2022/48 (Appeal B), for the installation of 1 x Communication Hub and the associated advertising consent.

The application was determined by the Borough Planning Committee in line with the Councils Scheme of Delegations after a petition was received with 24 signatures. Both applications were determined by the Borough Planning Committee on 01.11.22.

- 1.2 The LPA refused 76740/APP/2022/1701 (Appeal A) and 76740/ADV/2022/48 (Appeal B) on the 02.11.22 for the following reasons (as stated on the decision notice):

Appeal A:

1. The large scale of the communication hub, in combination with the substantially-sized LCD screen, by reason of its prominent proposed location, design, luminance and siting, would cumulatively result in an obtrusive and incongruous addition to the area, which would clutter the public realm, detrimental to the character, appearance and vitality of the Northwood Town Centre and street scene. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policies DMHB 11, 12, 13A and 21 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).
2. The large scale of the communication hub, in combination with the substantially-sized LCD screen, by reason of its prominent proposed location, design, luminance and siting, would cumulatively result in an obtrusive and incongruous development which would cause harm to the character and appearance of the Northwood Town Centre, Green Lane Conservation Area and the settings of the locally listed former Barclays Building and Grade II listed Northwood War Memorial. The limited public benefits would not outweigh the less than substantial harm to the designated heritage assets. The proposal would neither preserve nor enhance these heritage assets. The proposal is therefore contrary to Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); policies DMHB 1, 2, 3, 4, 9, 11, and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020); policy HC1 of The London Plan (2021); and the National Planning Policy Framework (2021).
3. The large scale of the communication hub, in combination with the substantially-sized LCD screen, by reason of its scale and siting, would result in a reduction of the width of this busy public footway, disrupting the safe free flow of pedestrian traffic to the detriment of pedestrian and highway safety and the vitality of this town centre location, contrary to policies DMHB 13A and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020);

policies T2 and T4 of the London Plan (2021); and the National Planning Policy Framework (2021).

Appeal B:

1. The associated advertising on the proposed communication hub by reason of its substantially-sized LCD screen, prominent siting, luminance and design, would result in a visually obtrusive development that would clutter the public realm, detrimental to the character, appearance and vitality of the Northwood Town Centre and street scene. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policies DMHB 11, 12, 13A and 21 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).
 2. The associated advertising on the proposed communication hub by reason of its substantially-sized LCD screen, prominent siting, luminance and design, would result in an obtrusive and incongruous development that would harm the character and appearance of the Northwood Town Centre, Green Lane Conservation Area and the settings of the locally listed former Barclays Building and Grade II listed Northwood War Memorial. The limited public benefits would not outweigh the less than substantial harm to the designated heritage assets. The proposal would neither preserve nor enhance these heritage assets. The proposal is therefore contrary to Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); policies DMHB 1, 2, 3, 4, 9, 11, and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020); policy HC1 of The London Plan (2021); and the National Planning Policy Framework (2021).
 3. The associated advertising on the proposed communication hub by reason of its substantially-sized LCD screen, siting and design, would result in a reduction of the width of this busy public footway, disrupting the safe free flow of pedestrian traffic to the detriment of pedestrian and highway safety and the vitality of this town centre location, contrary to policies DMHB 13A and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020); policies T2 and T4 of the London Plan (2021); and the National Planning Policy Framework (2021).
- 1.3 The LPA's case is set out in the Committee 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 Committee Report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

76740/APP/2022/1701 (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.
- Would not detract from Conservation Area
- Near modern building and street furniture
- The Hub unit is clearly a modern form of development, but contemporary developments and buildings are part of the character of the area. Being modern and not looking like anything else within the locality is not in and of itself a justification for refusing permission/consent.
- The Communication Hub has been designed to ensure the risk of increased crime has been kept to a minimum.
- Sustainability
- The proposed Hub would be sited in an acceptable position on a wide footpath, leaving an unobstructed footpath.
- Can be conditioned to be off or displaying relevant memorial images
- Public benefits
- Street furniture and tree would obscure the view of the Hub

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 an obtrusive and incongruous development that would harm the character and appearance of the Northwood Town Centre and fail to enhance or preserve Green Lane Conservation Area and the settings of the locally listed former Barclays Building and Grade II listed Northwood War Memorial for reasons set out in section 1.2.1 of this report, as well as the Committee Report and decision notice.

It is important to reference two recently dismissed appeals within the Northwood Town Centre, Green Lane Conservation Area, the pavement outside 8-10 Rowland Place, Green Lane APP/R5510/Z/22/3310366 (Appendix 2) and pavement outside 74a Green Lane ref: APP/R5510/W/22/3291818 (Appendix 3). These appeals are located on the same road as the appeal site and given the close proximity the site context is very similar, albeit the appeal is sited in an even more sensitive location next to Grade II listed War Memorial and opposite the locally listed Barclays Bank.

Within regard to the appeal outside 8-10 Rowland Place the Planning Inspector highlighted (Appendix 2) that *'despite the town centre location, advertisements in the area appear relatively unintrusive, with shop signs tending to appear modest and not internally illuminated...[with an] absence of large illuminated free-standing advertisements'*.

Similarly, the Planning Inspector for the appeal outside 74a Green Lane (Appendix 3) found illuminated signage was restricted to externally illumination, mainly lit *'during darker hours'*. As a result, the *'proposed hub would have a greater degree of prominence in the street scene, and in the combination with the existing advertising displays here, would result in an excessive proliferation of roadside advertisements'*.

The Inspector went on to acknowledge that *'whilst there are some modern developments, the area nevertheless has a very strong character and an unusually high proportion of good quality buildings'*. Therefore, the Hub's *'modern design and LCD method of illumination would jar with the traditional character and detailing'* of the locally listed building (Appendix 3).

In support of this, several similar schemes within Hillingdon's Conservation Area's have been dismissed due to the Hub not preserving or enhancing the character or appearance of the Conservation Areas. Including but not limited to:

Appendix 4 - Appeal A Ref: APP/R5510/Z/22/3310360
Junction of Belmont Road & Bakers Road, Uxbridge, UB8 1JY

Appendix 4 - Appeal B Ref: APP/R5510/Z/22/3310361
Pavement outside 64 High Street, Uxbridge, UB8 1JP

Appendix 4 - Appeal C Ref: APP/R5510/Z/22/3310362
Outside Civic Centre, High Street, Uxbridge, UB8 9ST

Appendix 4 - Appeal D Ref: APP/R5510/Z/22/3310363 Pavement outside 9 Belmont Road, Uxbridge UB8 9ST

Appendix 5 - Appeal Ref: APP/R5510/Z/22/3310369
Pavement Outside 145-147 Ruislip High Street, Ruislip HA4 8JY

Appendix 6 - Appeal Ref: APP/R5510/Z/22/3310371
Pavement Outside 144 (McDonalds) Ruislip High Street, Ruislip HA4 8LJ

Appendix 7 - Appeal Ref: APP/R5510/Z/22/3310372
Pavement Outside 100-102 Ruislip High Street, Ruislip HA4 8LS

- 2.3 The area has a high foot fall and, as mentioned in the Committee Report it is an important public area for community congregation including local residents, local organisations, and police displays, as well as promotional town centre street events, with gazebos, and the Remembrance Day annual service and wreath laying.

In addition, the pavement narrows near the appeal site and the Hub is positioned in a location that would represent a significant obstruction for pedestrians. The Hub would act as obstacle on the section of pavement would restrict the flow of pedestrians,

potentially causing pedestrians to step out onto the highway, overall causing harm to pedestrian, cyclist, and public highway safety.

A recent appeal on the pavement outside 6 Coldharbour Lane within Hillingdon ref: PP/R5510/W/22/3294436 (Appendix 8) was dismissed for similar reasons. The Planning Inspector acknowledged that due to the *'busy multi-functional area of public realm...pedestrian movement patterns [were] less linear'*. Therefore, the Hub *'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'*.

Similarly, the Planning Inspector acknowledged with appeal ref: APP/A5270/W/20/3264449 outside The Lodge Tavern Ealing Broadway Centre, The Broadway, Ealing (Appendix 9) that the *'location of the hub would interrupt the free flow of pedestrians along the pavement'*. This is comparable to the appeal site which was located *'very close to the road'* and presented *'a large obstacle very close to moving traffic'*. *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).

- 2.4 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, amenity, and fails to preserve or enhance the historic fabric of both the Conservation Area and Grade II Listed War Memorial. Regarding the assessment of the impact upon the two heritage assets set out above and in the Committee Report, the appellant has failed to submit a Heritage Statement. Such document would provide the LPA with an indication that the appellant understands the significance of the heritage assets and has taken them into consideration when designing the development. The lack of supporting information on this demonstrates that appellant does not have due regard for the heritage assets. 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.

The Planning Inspector in appeal ref: APP/R5510/W/22/3291818, 74a Green Lane in Hillingdon (Appendix 3) 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. In this case, even if tangible public benefits could be afforded substantial weight (which is not the case), given the previously appeal decisions and harm to public safety, the proposal would be unacceptable.

While the sustainability of the design is acknowledged, the benefits of the scheme do not outweigh the impact on the character and appearance, visual amenities, and public safety. Likewise, in the appeal outside 8-10 Rowlands Place (Appendix 2) the

Planning Inspector agreed that despite claims that the *'hub would support the vibrancy of the town centre and incorporate energy efficiency measures... the proposal would be detrimental to visual amenity and ... these supporting factors, either individually or taken together, would [not] change or outweigh'* that it would be incongruous.

76740/ADV/2022/48 (Consent to Display Advertisements) - Appeal B

The reason for refusal for Appeal B is noted above in section 1.2 and are within the Committee 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. In addition, there are concerns the advertisements would potentially establish an incrementally harmful, competitive signage (illumination) environment between the communication hub and shop fronts which are currently not internally illuminated.

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 10), 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.

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 – Appeal Ref: APP/R5510/Z/22/3310366
Pavement outside 8-10 Rowland Place, Green Lane

Appendix 3 – Appeal Ref: APP/R5510/W/22/3291818
Pavement outside 74a Green Lane in Hillingdon

Appendix 4 –

Appeal A Ref: APP/R5510/Z/22/3310360
Junction of Belmont Road & Bakers Road, Uxbridge, UB8 1JY

Appeal B Ref: APP/R5510/Z/22/3310361
Pavement outside 64 High Street, Uxbridge, UB8 1JP

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Appendix 7 – Appeal Ref: APP/R5510/Z/22/3310372
Pavement Outside 100-102 Ruislip High Street, Ruislip HA4 8LS

Appendix 8 – Appeal Ref: APP/R5510/W/22/32944366 Coldharbour Lane
within Hillingdon

Appendix 9 – Appeal Ref: APP/A5270/W/20/3264449
Pavement outside The Lodge Tavern Ealing Broadway Centre, The
Broadway, Ealing

Appendix 10 – Appeal Ref: APP/A5270/W/20/3264450
Pavement adjacent to Kings Head PH