



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 no. internally illuminated free standing multi-functional Communication Hub  
and associated advertising consent

**Appeal Site:**

Pavement Outside 44 Joel Street, Northwood Hills

# 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: 77308/APP/2022/1705 (Appeal A) and the associated advertisement application ref: 77308/ADV/2022/50 (Appeal B), for the installation of 1 x open access Communication Hub and the associated advertising consent.
- 1.2 The LPA refused 77308/APP/2022/1705 (Appeal A) and 77308/ADV/2022/50 (Appeal B) on 15.09.22 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 result in an obtrusive and incongruous addition which would clutter the public realm, detrimental to the character and appearance of the street scene and general locality. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 11, 12, 13A and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and policies D3 and D8 of The London Plan (2021); and the National Planning Policy Framework (2021).

## **Appeal B:**

1. The large scale of the advertisement, in combination with the substantially-sized LCD screen and its prominent proposed location and luminance, would result in an obtrusive and incongruous addition which would clutter the public realm, detrimental to the character and appearance of the street scene and general locality. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 11, 12, 13A and 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and 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
- 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 being offset from the curb edge by 900mm and leaving an unobstructed footpath.
- 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.
- It is considered the application would not be contrary to the objectives on highway safety.
- The multifunction interactive screens can be used to connect the Council with the public and be used to promote Council initiatives, public celebrations, to facilitate wayfinding or to promote the Borough to those who live work or visit this part of the City.

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.*'

This section of Northwood Hills has been newly regenerated, part of the improvements sought to renew, rationalise, and declutter paving, street lighting and street furniture. A key change redesigned the parking bays increasing safety, reducing the width of pavements. The scheme provided a visually open, safer, and improved appearance and street scene. 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. Therefore, it is noted that the siting and appearance of the proposed communication hub would severely undermine the nearly £2m Northwood Hills Town Centre improvements. In addition, it is important to reference a recent appeal which was dismissed for similar reasons, located outside 6 Coldharbour Lane, appeal ref: APP/R5510/W/22/3294436 (Appendix 4).

The area is described as *'a high quality area of public realm in a bustling local shopping area. There is an array of existing street furniture...in a co-ordinated and orderly fashion around the perimeter leaving the majority of the space open and uncluttered.'* This is comparative to the appeal site as there is little to no street furniture with wide, open, uncluttered pavements.

The Planning Inspector noted that while *'taking into account the surrounding commercial context, the Hub would be an obtrusive addition to the clean and uncluttered open streetscape in this location'*. It is important to highlight this point, as despite the site not being located within a Conservation Area there would be harm to the visual amenities given it's current uncluttered appearance.

The approval at no.23-25 is noted but does not alter this assessment. Notably, this application also sought to remove a phone box from the pavement outside of No.23-25 Joel Street which resulted in less clutter on the footway. This weighed heavily in the balance and was secured by condition.

- 2.3 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 public safety. 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 5) 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 the character and appearance of the area, 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.

## **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 Signage of this nature, illuminated or otherwise, is extremely limited in this area. The established context does not create a heavily illuminated streetscene where the unit would sit comfortably. The unit would in fact stand out and detract from the muted and sympathetic lighting nearby. Therefore, it is considered that the digital LED screens would not integrate within the existing environment in a successful way, and would appear overly prominent from wider views and visually clutter the appearance of the streetscene along Joel Street. 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.

## **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 – Pavement outside 6 Coldharbour Lane, appeal ref:  
APP/R5510/W/22/3294436

Appendix 5 - 74a Green Lane, appeal ref: APP/R5510/W/22/3291818