

Appeal Decisions

Site visit made on 12 September 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal A Ref: APP/R5510/W/22/3308761

Pavement outside 58 High Street, London, Hillingdon, UB8 1JP

- 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 Mr James Browne of BT Telecommunications Plc against the decision of the Council for the London Borough of Hillingdon.
 - The application Ref 72452/APP/2022/1626, dated 10 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is described as "Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s)."
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Appeal B Ref: APP/R5510/H/22/3306387

Pavement o/s 58 High Street, Uxbridge, UB8 1JP

- 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 Mr James Browne of BT Telecommunications Plc against the decision of the Council for the London Borough of Hillingdon.
 - The application Ref 72452/ADV/2022/29, dated 10 May 2022, was refused by notice dated 14 July 2022.
 - The advertisement proposed is described as "Proposed installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s)."
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. **Appeal A** relates to a refusal for planning permission and **Appeal B** relates to the Council's refusal to grant advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of **Appeal B** the Regulations regarding advertisements states that control may only be exercised in the interests of amenity and public safety. I have had regard to the policies of the development plan and supplementary guidance only in so far as they are a material consideration relevant to matters before me.

Main Issues

5. The main issues in respect to **Appeal A** are:

- effect of the proposed development upon the character and appearance of the area including the public realm and Old Uxbridge/Windsor Street Conservation Area; and
- effect on public safety/risk of crime.

6. The main issues in respect to **Appeal B** are:

- effect of the proposed advertisements on the visual amenity; and
- effect on public safety.

Reasons

Character and appearance/Visual amenity

7. The appeal site is located at the corner of High Street and Belmont Road, in an area that has been pedestrianised with a wide highway with commercial facilities located at the ground floor on both sides of the street. The appeal would replace 2 existing BT telephone booths with a new BT Street Hub, incorporating 75" LCD advert screens. The Street Hub would measure approximately 2.96m height, 1.2m width and 0.35m depth.
8. The appeal site is located in the Old Uxbridge/Windsor Street Conservation Area (CA); thus I have approached **Appeal A** in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the CA. In respect of **Appeal B**, I have taken the same approach, in so far as it relates to my consideration of visual amenity.
9. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In relation to **Appeal A**, Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
10. The significance of the CA principally derives from the historic street pattern and the layout of the commercial High Street, although this has been diluted over time with a diverse range of building types providing evidence of the growth of the town centre. Nevertheless, there remain some good examples of traditional properties interspersed among the more modern buildings, including Victorian and Georgian examples. In the immediate vicinity the "Old Bank" on the opposite side of the road from the appeal site, dates from 1791 and provides a strong traditional presence to the character of the area. Alongside the Old Bank is a Grade II Listed Building consisting of a 17th Century red brick wall with flat buttresses and plinth along the south east side of the alley at Bennets Yard.

11. The proposal would be located in a pedestrian area, which is currently occupied with a variety of existing street furniture including a large French style information pillar, various benches, phone booths, cycle racks, bins, railings, poles and other advertising signs. Given the prevalence of the street furniture, this provides a utilitarian feel to this part of the CA.
12. The existing BT phone booths are extensively glazed without any formal advertisements being displayed, ensuring that they are largely unobtrusive. Whilst slimmer, the new BT Street Hub would be a more solid form of development, which coupled with the internally illuminated digital advertisement display, is designed to catch the eye. The proposed siting and orientation of the proposal in relation to existing traditional features, combined with the proliferation of street furniture and other highway structures in this area would appear unduly obtrusive and create additional illuminated visual clutter, further harming the historic street pattern. This would have a negative effect on the character and appearance and visual amenity of the area and the CA.
13. In this respect my findings would be consistent with that of another Inspector¹ who in dismissing an advert at 55-57 Uxbridge High Street, found the scheme *"would have a discernible effect on the setting of the CA to which it would be experienced."* I have not been presented with any evidence to suggest I should form an alternative view.
14. Nevertheless, the appellant has drawn my attention to several other decisions in the London Borough of Hillingdon and other Local Planning Authorities for similar developments. Only limited details of each of these are before me and so I cannot draw any meaningful comparisons with the appeal proposals. However, I note that the 58a High Street decision² was for prior approval, whilst the two other decisions³ related to express advertisement consent affixed to existing phone boxes. In any event, I have determined this appeal on its own merits based on all the evidence presented.
15. Given it would be relatively localised, any harm to the significance of the heritage assets would be less than substantial. In respect of **Appeal A**, Paragraph 202 of the Framework advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. I have had regard to the public benefits of **Appeal A**, including free ultrafast Wi-Fi, phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring. I can afford the benefit of these services moderate weight. However, the appeal scheme would fail to preserve the character and appearance of the CA, to which I must attach importance and great weight. Accordingly, the public benefits would not outweigh the less than substantial harm that would be caused to the significance of the heritage assets identified above.

¹ PINS Ref: APP/R5510/Z/22/3310356

² PINS Ref: APP/R5510/W/17/3171787

³ PINS Refs: APP/R5510/Z/19/3225667 & APP/T5150/Z/18/3201678

17. In respect of **Appeal A**, the proposed development would harm the character and appearance of the surrounding townscape and the significance of the CA, albeit any harm would be less than substantial. Thus, it would conflict with Policies BE1 and HE1 of the London Borough of Hillingdon: A vision for 2026 Local Plan: Part 1 Strategic Policies (SP), adopted November 2012; Policies DMHB 1, 3, 4, 11, 12, 13A and 21 of the London Borough of Hillingdon: Local Plan Part 2 Development Management Policies (DMP), adopted January 2020; Policies HC1, D3 and D5 of the London Plan (LP), March 2021 and the Framework which collectively seek to provide a high quality of design to make a positive contribution to the local historic character and area and conserves and enhances Hillingdon's distinct and varied environment, amongst other things.
18. In respect of **Appeal B**, the proposed advertisement, by virtue of its size and illumination would harm the visual amenity of the area. While the policies referred to do not relate directly to advertisements and are not determinative, LP Policies HC1, SP Policies BE1 and HE1 and DMP Policies DMHB 1, 2, 4, 11, 12 and 13A which seek, amongst other things, development to be of a high-quality contextual design and protect local historic character. The proposal would not comply with these policies.

Public safety/Risk of crime

19. The appeal site is located in a pedestrianised area. As set out above, there are numerous elements of street furniture, signage and other highway structures in this area, and the appeal proposal would be sited within this arrangement. During my site observations, there were a considerable number of pedestrians in the area, providing a busy and vibrant feel, although it is acknowledged that the number of pedestrians will fluctuate throughout the day. The street in this location is fairly wide and given that there is no vehicular traffic in this area, ample space would remain for pedestrians to pass and re-pass.
20. Given the arrangement of street furniture in the vicinity of the site, pedestrians walking along the street are primarily directed to the more open areas in the centre or on its edges, avoiding the appeal site. Pedestrians crossing from one side of the street to the other do have to pass through the line of street furniture and other obstacles. However, the orientation of the proposed BT Street Hub combined with its relatively slimline profile would assist in ensuring it is not unduly obstructive for pedestrians in this location.
21. The Planning Practice Guidance advises on the locations of and types of advertisement most likely to affect public safety on roads. It includes junctions and pedestrian crossings and those advertisements that are internally illuminated and subject to frequent changes of display, such as the proposed advertisement.
22. It is acknowledged that the appeal site is located close to a pedestrian crossing, however I have no substantive evidence that the bright illumination of the adverts and fluctuation of display would distract drivers and increase the risk of collision between vehicles, cyclists, and pedestrians. Consequently, although the advertisement would be visible at the junction and crossing, it would not compromise public safety.
23. Concerns have also been raised by the Council in respect of the effect that the proposal would have on perceived safety and an increased risk of crime.

However, I have been presented with no compelling information on whether the proposed BT Street Hub would increase crime, or the fear of crime, to the detriment of public safety.

24. I therefore conclude in respect to **Appeal A and B** that the proposals would not have an unduly harmful effect on public safety or the fear of crime. I have therefore not identified any conflict with the relevant sections of LP Policies T2, D3 and D8; SP Policy BE1 and DMP Policy DMHB 15 in this regard. These policies, among other provisions, seek to create a safe environment and reduce fear of crime and anti-social behaviour.

Other Matters

25. Paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing small cell 5G coverage through inbuilt equipment. These benefits are recognised, and these factors weigh in favour of the proposal.

Conclusion

26. The appeal proposals would provide enhanced electronic communication and telephone services, wayfinding capabilities, public information messaging and location services to the public. Set against this, the proposal would have a harmful effect on the visual amenity and character and appearance of the area including the CA. While I have not identified any harm in respect of public safety or other relevant matters, I find that the proposals would be contrary to the development plan taken as a whole, as well as the Framework and the Regulations to control advertisements for the reasons set out above.
27. Accordingly, the material considerations in this case do not indicate that the proposals should be determined other than in accordance with the development plan. For the reasons given above I conclude that both **Appeal A and B** should be dismissed.

Robert Naylor

INSPECTOR