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## Appeal Decisions

Site visit made on 26 September 2023

**by Martin H Seddon BSc MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2023**

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### **Appeal A Ref: APP/R5510/W/22/3310437**

#### **Pavement outside 39 Station Road, Hayes UB3 4BE**

- 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 Thomas Johnston, JCDecaux UK Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 77309/APP/2022/1708 dated 25 May 2022, was refused by notice dated 16 September 2022.
  - The development proposed is the installation of a multi-functional Communication Hub including advertisement display.
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### **Appeal B Ref: APP/R5510/Z/22/3310441**

#### **Pavement outside 39 Station Road, Hayes UB3 4BE**

- 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 Thomas Johnston, JCDecaux UK Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 77309/ADV/2022/51 dated 25 May 2022, was refused by notice dated 16 September 2022.
  - The advertisement proposed is the installation of a multi-functional Communication Hub including advertisement display.
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## **Decisions**

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

## **Preliminary Matters**

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the communications hub and advertisement are linked, I have dealt with them together to avoid duplication.
4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. Factors relevant

to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Whilst not decisive, I have taken relevant development plan policies into account as a material consideration.

## **Main Issues**

5. The main issues in Appeal A are the effect of the proposal on the character and appearance of the area and highway safety. The main issues in Appeal B are the effect on amenity and public safety.

## **Reasons (Appeals A & B)**

6. The appeal site is located outside a parade of shops and commercial premises at a point just before a parking bay where the footway narrows and the adjacent cycle lane changes route to accommodate the bay. Buildings in Station Road vary in design and have retail and commercial premises at ground floor level. The immediate locality has a litter bin, bollards next to the cycleway lane marking an access point to Nos. 45A and 45B Station Road, lamp standards and a CCTV pole. There is an existing communication hub with an advertisement display in the footway a short distance to the south of the appeal site.
7. The hub unit would measure around 2.630 m in height by 1.338 m in width and 0.317 m in depth. There would be a projecting canopy over the equipment at one side of the unit, and a display screen to the rear, measuring around 1.895 m by 1.065 m. The illuminated screen would operate with a 10 second delay between each static display image.
8. The proposed hub would add unduly to the clutter of street furniture in its vicinity. It would also be seen in conjunction of the existing communications hub when viewed along the footway of Station Road to the north. The advertisement panel with its large, illuminated screen and static changing images would add to the prominence of the hub in the street scene. Conditions have been suggested relating to the rate and form of image change and illumination levels but would be insufficient to outweigh the harm to the character and appearance and amenity of the area.

### *Highway and public safety*

9. The Highway Authority has raised no objection to the hub on highway safety grounds subject to conditions and the Council's access officer considers that there will be no impediment to pedestrian movements. However, the Council's Town Centre improvement team strongly opposed the hub being sited close to the dedicated cycle lane. The proposed hub would be located near a point where the cycle lane changes course due to the parking bay. I observed at my site visit that cyclists tended to cut across the footway at this point as the shortest route. The hub would reduce pedestrian visibility of cyclists increasing the risk of a collision between a cyclist and a pedestrian, because of its position and scale. The appellant has indicated that low level signage would be incorporated in the scheme. However, I consider that there is no guarantee that this would eliminate the risks and would not outweigh the potential harm to highway and public safety.
10. For the reasons given, the proposal would have an adverse effect on the character and appearance of the area and the safety of pedestrians and cyclists. The proposed hub would provide a range of services, including wifi, phone charging, messaging

facilities, free calls to landlines and charities, wayfinding, and a defibrillator. It would be powered by renewable energy, with a solar panel to provide additional energy for the canopy lighting. The appellant advises that it would generate minimal waste during its lifetime. It would include design features to prevent crime and antisocial behaviour, plus an emergency call button. It could support businesses, provide information on local events, and assist the vitality of the area, contributing towards the development of a 'smart' city. However, even acknowledging the support in the Framework for high quality communications, these benefits would be modest and would not outweigh the harm from the proposal to the character and appearance of the area and the safety of pedestrians and cyclists.

## **Conclusions**

11. With regard to Appeal A, for the reasons given above, the hub would have a significant harmful effect on the character and appearance of the area and would present a potential risk to the safety of pedestrians and cyclists. It would therefore fail to comply with policies T4, D3 and D8 of the London Plan (2021), policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies, policies DMHB 13A and DMT2, DMHB 11, 12, 13A, and 21 of the Hillingdon Local Plan Part Two – Development Management Policies and the provisions of the National Planning Policy Framework insofar as they seek to ensure good design that is related to local context and to provide attractive and well-designed walking and cycling networks.
12. With regard to Appeal B, for the reasons given above, the advertisement would unduly harm the amenity of the area and, in view of its proximity to the cycleway, would have an adverse effect on public safety.
13. For the reasons given above, both Appeal A and Appeal B are dismissed.

*Martin H Seddon*

INSPECTOR