



Appeal Decisions

Site visit made on 24 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal A Ref: APP/F5540/W/19/3234623

Appeal B Ref: APP/F5540/W/19/3234622

Pavement outside 610 Chiswick High Road, London W4 5RU

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - Appeal B 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 appeals are made by Mr Tom Fisher, Urban Innovation Company (UIC) Limited against the decisions of the Council of the London Borough of Hounslow.
 - The applications, Ref 00248/O/S610/P1 (Appeal A) and Ref 00248/O/S610/AD1 (Appeal B), both dated 2 April 2019, were refused by notice dated 11 June 2019.
 - The development proposed in both applications is described as the erection of 1no. Pulse Smart Hub with 2no. inset digital advertising screens.
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Decisions

1. Both appeals are allowed and planning permission and express consent are granted for the erection of 1no. Pulse Smart Hub with 2no. inset digital advertising screens at Pavement outside 610, Chiswick High Road, London W4 5RU in accordance with applications Ref 00248/O/S610/P1 (Appeal A) and Ref 00248/O/S610/AD1 (Appeal B), both dated 2 April 2019, subject to the conditions set out in Appendix 1.

Applications for costs

2. Applications for costs in respect of both appeals were made by Urban Innovation Company against the London Borough of Hounslow. These applications are the subject of separate Decisions.

Procedural matters

3. These decisions relate to two appeals on the same site. The appeals are so closely related that, to avoid duplication, I have dealt with them together in one decision letter.

Main Issue

4. The main issue is the effect of the development on the visual amenity of the area, including its character and appearance and the setting of the Thorney Hedge Conservation Area (CA).

Reasons

5. The appeal site is located outside of a relatively large and modern commercial building. The surrounding area is characterised by a mixture of commercial buildings and uses, generally on the same side of Chiswick High Road as the

site, and significant residential villas opposite. With the relatively wide and busy highway separating the residential and commercial uses, the site is experienced as being within the context of a commercial streetscene. The hub would be located in the vicinity of two approved but, at the time of my site visit, not yet constructed telephone kiosks. The site is in close proximity to the boundary of the Thorney Hedge CA. A small primarily residential area with various commercial uses nearby, the Conservation Area Appraisal indicates that the history of the CA is based on ancient streets and footpaths, including the short length of the ancient thoroughfare of Chiswick High Road, and its special architectural and historic interest is in the high quality Victorian architectural detailing.

6. The hub and its digital advertising screens would be a relatively notable feature in the surrounding area. However, the screens would face the footway and surrounding commercial high street setting on either side of the site. Accordingly, this is where the main effect would be experienced and the Council accepts that advertising could reasonably be expected in such high street locations. In the context of the commercial setting of the site and the relatively busy surrounding urban environment, I find that the hub and advertising would not appear as visually intrusive features.
7. Given the structure would not have a significant mass, the effect on the wider area of the hub and advertisements would diminish with increasing distance and through the presence of separating features, such as Chiswick High Road. Although reasonably tall, the hub would also have a relatively limited width and would be orientated so that its narrow depth – which would not contain advertising screens – would face the residential villas on the opposite side of the highway. Being on opposite sides of the hub, only one advertising screen would be visible at any one time in the surrounding area and from the CA, and aspects of the advertisements – such as frequency of image changes, screen brightness and use of moving images – could be controlled by condition.
8. Consequently, the proposed hub and advertising screens would not appear as an incongruous or dominating features which would be out of character or at odds with the visual amenity of the surroundings or harm the pedestrian experience. For the above reasons and the degree of separation, the appeal proposals would also not lead to an encroachment of commercial character into the nearby CA and its high quality residential environment. Accordingly, the significance and setting of the CA would not be harmed and its character and appearance would be preserved. In coming to this view, I have taken account of the size, appearance, accessibility and use, services/functions and more commercial appearance of the appeal proposals in relation to the other approved telephone kiosks in the vicinity.
9. For the above reasons, I conclude that the appeal proposals would not harm the visual amenity of the area, including its character and appearance and the setting of the Thorney Hedge CA. I therefore find that they accord with Policies CC1, CC4 and CC5 of the London Borough of Hounslow Local Plan 2015-2030. Amongst other aspects, these require development to conserve the special qualities of the borough's places and sensitively respond to the area's character, advertisements to be compatible with the surrounding area and respect their context, and development to conserve heritage assets and their settings.

Other matters

10. It has been put to me that the hub could create anti-social behaviour, encourage criminal activity and pose a threat to the safety of staff in 610 Chiswick High Road, particularly at night. I recognise that that building, providing services to major broadcasters, operates 24 hours a day and that the hub would be situated in relatively close proximity to its entrance. However, I have little substantive evidence that the hub would inevitably result in anti-social behaviour or criminal activity. The hub would also be situated on a relatively open section of footway and near to a busy highway, and the glazed ground floor of No 610 would be likely to mean that the hub would be reasonably well overlooked and lit. Accordingly, it seems to me that the location of the site is likely to discourage activities that could pose a threat to users of the building and the surrounding area.

Conditions

11. The Council has not provided a list of suggested conditions for Appeal A. However, a condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty.
12. For Appeal B, the Council has indicated in its appeal questionnaire that it does not consider that any condition other than the five standard advertisement conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that express consent as applied for is granted. However, the appellant has proposed some additional conditions in its appeal statement in relation to controlling the operation of the digital displays. I note that these are also broadly similar to the conditions suggested in the consultation response of the Council Transport Officer. Having reviewed these and considered the site's context, I find that the appellant's proposed conditions for Appeal B are necessary in the interests of certainty, the visual amenity of the surrounding area and highway safety. However, I have not included the conditions suggested by the Transport Officer requiring lower illumination between 2300 hours and sunrise and the fitting of a light intensity monitoring sensor because I have little evidence which indicates that these are reasonable and necessary.

Conclusion

13. For the above reasons, the appeals are allowed.

Tobias Gethin

INSPECTOR

APPENDIX 1

CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PP|HW01|01, PP|HW01|02, PP|HW01|03 and PP|PSH|04.

Appeal B

The consent is for five years from the date of this decision and in addition to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, is subject to the following conditions:

- 1) The sign shall be erected in the position shown on the approved plan PP|HW01|03.
- 2) The degree of illumination of the proposed digital screen shall be no greater than 600cd/sqm from dusk till dawn.
- 3) The advertisement shall not display any moving, or apparently moving, images.
- 4) Any change in advertisement display shall be instantaneous.
- 5) The advertisements displayed will not change any more frequently than once every 10 seconds.