



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/19/3234624

Appeal B Ref: APP/F5540/W/19/3234627

Pavement outside 548 Chiswick High Road, London, W4 5RG

- 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 decision of the Council of the London Borough of Hounslow.
 - The applications, Ref 00248/O/S548/P1 (Appeal A) and Ref 00248/O/S548/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 548, Chiswick High Road, London W4 5RG in accordance with applications Ref 00248/O/S548/P1 (Appeal A) and Ref 00248/O/S548/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 Issues

4. The main issues in both appeals are the effect of the development on:
 - the visual amenity of the area, including its character and appearance and the setting of the Wellesley Road Conservation Area (CA); and
 - highway safety.

Reasons

Character and appearance

5. The appeal site is situated on a relatively wide section of footway, outside of a modern building containing ground floor commercial premises with residential units above. There are a number of mature street trees running along the footway, and nearby street furniture includes features such as posts, cycle racks, cabinets, a post box and a lighting column. The surrounding area is characterised by a mixture of ground floor commercial uses with residential uses above, and houses on the opposite side of the highway. With commercial units generally running along the same side of Chiswick High Road as the appeal site, the site is experienced as being within the context of a commercial high street environment. Nearby, on the opposite side of Chiswick High Road, is the boundary of the Wellesey Road CA. The Conservation Area Appraisal indicates that the CA is primarily residential with commercial uses in the surrounding area, and its special architectural and historic interest derives from, amongst other aspects, high quality Victorian architectural detailing. The hub would be located in a similar position to two approved but, at the time of my site visit, not yet constructed telephone kiosks.
6. The proposed hub and the digital advertising screens would be relatively notable features in the surrounding area. However, the width of the footway means that the development would not be experienced as unacceptably cluttering the streetscene, while the screens would face the footway and surrounding commercial setting on either side of the site. At approximately 0.54 metres above ground level and extending to less than the hub's overall height of 2.54 metres, the screens would also be positioned at street level. Accordingly, this is where their 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 site's ground floor commercial setting, the relatively busy surrounding urban environment and the street furniture and adverts in the surrounding area, such as on the nearby bus stop and Halfords store, I find that the hub and advertising would not appear as visually intrusive features.
7. The hub would not have a particularly significant mass. Accordingly, its and the advertisements' effect on the wider area would diminish with increasing distance from the site and through the presence of separating features, such as the relatively wide and busy Chiswick High Road. Although not a particularly short structure, the hub would have a reasonably limited width and would be orientated so that its narrow depth – which would not contain advertising screens – would face the residential properties and CA 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 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 due to the separating presence of the highway and 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 the more commercial appearance of the appeal proposals in relation to the other telephone kiosks approved in the locality.

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 Wellesley Road CA. I therefore find that they accord with Policies CC1, CC4 and CC5 of the London Borough of Hounslow Local Plan 2015-2030 (LP). 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.

Highway safety

10. The site is located adjacent to Chiswick High Road and near to a vehicular access between 546-548 Chiswick High Road. The location of the hub and advertisements, combined with the presence of a street tree and other street furniture, means that it would be positioned in a sight line for vehicles exiting the nearby vehicular access, as shown in the Council's appeal statement.
11. The hub and its digital screens would be located in a similar position to two approved but not yet constructed telephone kiosks. However, the appeal proposals would involve a different structure which would be different in size and appearance, and the proposed hub would be closer to the edge of the building than one of the approved kiosks. Accordingly, their effect on highway safety would not be identical to those schemes.
12. However, the evidence before me indicates that the effect of the appeal proposals on highway safety in relation to vehicles and cyclists would not be particularly different than the approved kiosks. This is because visibility to and from the vehicular access between Nos 546-548 is already partially obstructed by the presence of existing footway features. Vehicles seeking to join the highway from the access would therefore, irrespective of the appeal proposals, need to continue to stop at the edge of Chiswick High Road in order to fully ascertain when it would be safe to join the highway. The differences in relation to the location, size and permeability between the approved kiosks and the appeal proposals – which would not affect the kerb edge view – do not change this and do not therefore lead me to a different conclusion. It seems to me that there would also be some visibility to and from the highway through the space between the proposed hub and the street tree and other street furniture. The appeal proposals would also not, therefore, prevent highway users from obtaining early warnings of vehicles and cyclists on Chiswick High Road and of vehicles seeking to enter the highway from the vehicular access.
13. Hounslow Highways raised no objection to the hub's location and the Council's Transport Officer sets out that highway safety would not be adversely affected subject to conditions relating to the digital screens. TfL also raised no concerns in relation to highway safety.
14. There would be approximately 5 metres between the hub and edge of the building. This would provide sufficient space on the footway for pedestrians,

including people with disabilities, to comfortably and safely pass one another. An acceptable level of footway availability for street activities would also be maintained. The appeal proposal would not therefore harm the safety or general experience of pedestrians.

15. For the above reasons, I conclude that the appeal proposals would not harm highway safety. I therefore find that they accord with LP Policy EC2. Amongst other aspects, this requires development to avoid adverse impacts on the transport network.

Other matters

16. It has been put to me that the proposed hub (Appeal A) would be against the Mayor's Healthy Street principle, and contravene Policy T2 of the draft London Plan. However, I have found that the development would not unacceptably clutter the streetscene and there would be sufficient footway space between the hub and building edge for pedestrians and street activities. Furthermore, the Council's Decision Notice does not allege that the appeal proposal would conflict with any policies in the adopted or draft London Plan and I have little substantive evidence which indicates otherwise.

Conditions

17. The Council has not suggested any conditions for Appeal A. Nevertheless, a condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty.
18. 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

19. 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|HW02|01, PP|HW02|02, PP|HW02|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|HW02|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.