
Appeal Decisions

Site visit made on 9 April 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal A Ref: APP/A5270/W/20/3264451
O/S 161 High Street, Acton W3 6RE

- 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 Martin Stephens (JCDecaux UK Limited) against the decision of the London Borough of Ealing Council.
 - The application Ref 203393FUL, dated 26 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is *This application seeks consent and permission to replace an existing telephone box with a state of the art Communications Hub, as per Specification in Part 2 document.*
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Appeal B Ref: APP/A5270/Z/20/3264222
O/S 161 High Street, Acton W3 6RE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 against the refusal to grant express consent.
 - The appeal is made by Mr Martin Stephens (JCDecaux UK Limited) against the decision of the London Borough of Ealing Council.
 - The application Ref 203394ADV, dated 26 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is *Single Sided LCD screen measuring 86" as per spec sheet Part 2.*
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Decisions

Appeal A Ref: APP/A5270/W/20/3264451

1. The appeal is dismissed.

Appeal B Ref: APP/A5270/Z/20/3264222

2. The appeal is dismissed.

Procedural Matter

3. Appeal A relates to the Communication Hub itself and Appeal B relates to an advertisement panel to the rear elevation of the structure. The advertisement is incorporated into the structure of the hub and so whilst

there are two separate appeals, the structure as a whole provides a telephone and internet facilities as well as a structure housing the advertisement. I have therefore assessed the appeals in their entirety.

Main Issues

4. I consider that the main issues are:
1. whether the communications hub and advertisement would preserve or enhance the character or appearance of the Ealing Town Centre Conservation Area;
 2. the effect of the communications hub and the advertisement on the character and appearance of the street scene; and
 3. the effect of the communications hub and the advertisement on the free flow of pedestrian and vehicle movements and pedestrian and highway safety.

Reasons

5. The hub is described by the appellant as incorporating an integrated touch screen designed for public phone use and a range of other android compatible functions to enable users to access the internet and the Council's webpages and wayfinding around the City. The front façade of the structure would include a 32" touch screen and a hands free phone; a telephone handset; an induction and USB charger; and a Defibrillator. The rear façade would incorporate an advertisement comprising of a 86" LCD screen designed to show commercial and community information in a series of static images. The entire hub would be about 2.6 metres high x 1.3 metres wide with a depth of 312/317mm and with a 600mm canopy.

Conservation Area

6. The appeal site is within the Acton Town Centre Conservation Area and therefore I have had regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Development Management Plan¹ Policy 7C, Development Strategy² Policy 1.1 and the Acton Town Centre Conservation Area Management Plan³ and the Conservation Area Character Appraisal⁴. The National Planning Policy Framework⁵ also advises on heritage assets which include Conservation Areas.
7. The communications hub would be a free standing structure, incorporating an advertisement, that would be located on the pavement outside commercial properties on High Street. The pavement includes planting boxes, benches and cycle racks and was generally busy with pedestrians and

¹ Development Management Development Plan Document, Adopted 10 December 2013.

² Development Strategy 2026 Development Plan Document, Adopted 3 April 2012.

³ Acton Town Centre Conservation Area Management Plan, April 2009.

⁴ Acton Town Centre Conservation Area Character Appraisal, April 2009.

⁵ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

vehicles at the time of my site visit. The pavement is fairly narrow and the communications hub would take up a notable portion of it.

8. The hub would be a substantial structure within the street scene that would stand out as a prominent and eye catching feature. Although the street is characterised by a varied range of commercial frontages and fascia signs, the hub would pay little regard to the historical context of the area. Whilst it would provide a modern communication facility with the addition of a Defibrillator, it would not preserve or enhance the character or appearance of the Conservation Area. This would conflict with Development Management Plan Policy 7C and Development Strategy Policy 1.1 as well as the objectives of the Conservation Area Management Plan and Character Appraisal and the Framework.

Street Scene

9. Notwithstanding the status of the area as a Conservation Area, the proposals would detract from the street scene. The advertisement would add to the prominence of the structure at street level. Overall, the proposals would add clutter to the street and intrude into the pedestrian thoroughfare, appearing large and overbearing at street level and paying little regard to the plating boxes and benches. It would have a harmful effect on the character and appearance of the area. Development Management Plan policies 7.4 and 7B seek to complement local character and achieve a high standard of design. Despite the busy and active street, the prominence and position of this structure would conflict with these policies.

Pedestrian Movement and Highway and Pedestrian Safety.

10. The location of the hub would interrupt the free flow of pedestrians along the pavement. The pavement is quite narrow and the proposal would be very close to the road and present a visually large obstacle very close to moving traffic. The large advertisement display would add to its prominence and level of distraction. This would be harmful to pedestrian movements and could be harmful to highway safety.
11. The proposal would be inconsistent with the objectives of the London Plan and policies 6.3 and 6.10 of the 2016 London Plan⁶ are referred to. Although this has been updated by the 2021 London Plan⁷, the thrust of these policies are carried forward.

Conclusion

12. I can see the merits in the proposed hub by installing a communication facility at the heart of pedestrian activity. However, the structure would be a large and prominent one, made more so by the advertisement. I have considered all matters raised but none alter my conclusion.
13. I conclude that the communications hub and advertisement would fail to preserve or enhance the character or appearance of the Acton Town Centre Conservation Area and be harmful to the character and appearance of the

⁶ Mayor of London The London Plan The Spatial Strategy for London Consolidated with Alterations Since 2011, March 2016.

⁷ Mayor of London The London Plan The Spatial Development Strategy for Greater London, March 2021.

street scene. It would also intrude into the free flow of pedestrian movements along a narrow pavement and could amount to a large and prominent distracting structure which could potentially be detrimental to highway and pedestrian safety.

14. The Communication Hub and the advertisement would conflict with the policies referred to above and therefore both Appeals A and B fail.

J D Clark

INSPECTOR