
Appeal Decisions

Site visit made on 11 May 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal A Ref: APP/A5270/W/20/3264450

Adjacent to Kings Head PH, High Street, Acton W3 9LA

- 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 of JC Decaux against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203387FUL, dated 26 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is to replace an existing telephone box with a state of the art Communication Hub, as per Specification in Part 2 document.
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Appeal B Ref: APP/A5270/H/20/3264218

Adjacent to Kings Head PH, High Street, Acton W3 9LA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Martin Stephens of JC Decaux against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203388ADV, dated 26 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is the installation of a single sided LCD screen.
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Decisions

Appeal A Ref: APP/A5270/W/20/3264450

1. The appeal is dismissed.

Appeal B Ref: APP/A5270/H/20/3264218

2. The appeal is dismissed.

Procedural matters

3. While description of the proposal in Appeal A refers to the replacement of an existing telephone box no such facility was in place at the site visit.
4. Appeal A seeks planning permission for a new communication hub on the site whereas Appeal B relates to an integrated LCD screen to display advertisements on its rear elevation. Although there are two separate appeals before me to determine, the proposals are clearly linked and so I have assessed them on that basis.
5. Since the appeals were lodged, the London Plan 2021 (LP) has been published. The LP comprises the spatial development strategy for London and is now part of the development plan. As the LP has replaced earlier versions, comments

were sought from the main parties in relation to it. I have assessed the proposals in the light of those comments and the LP itself.

Main issues

6. The main issues are the effect of the proposed communication hub and advertisement on the character and appearance of the local area and on public safety with particular regard to footway users along High Street.

Reasons

Character and appearance

7. The proposed hub would occupy a prominent position next to a busy road within the Acton Town Centre Conservation Area (CA), which has a strong retail and commercial character and a wide range of buildings and public spaces. The new addition would be modern in style with a touch screen providing Internet access and a defibrillator on one side. On the other side would be an internally illuminated digital screen on which advertisements would be displayed. The new hub would be located within a commercial section of High Street that includes street lighting columns, signage, bus stops and a pedestrian crossing. The context of the site is, therefore, urban and commercial within which both roadside features and advertisements are expected features, as the appellant points out.
8. The proposed hub would, however, stand near to an existing display within the pavement just outside the Kings Head Hotel and Pub that also shows public information. With two similar structures, each being significant in size and placed to face High Street, the proposed hub would be a highly conspicuous and a repetitive feature, giving rise to visual clutter in the local street scene. It would add to one of the threats to the CA that is identified in the Council's Acton Town Centre Conservation Area Management Plan (the Management Plan), which is street clutter.
9. That the new hub would display static images on the new digital screen would visually accentuate its presence especially given its position at 'eye level' and when illuminated after dark. On the immediate approach to the site from the northwest, the new advertisement, due to its low level position and illumination, would appear overly dominant and visually intrusive even taking into account its urban street lit setting. That the illumination of the advertisement would reflect ambient conditions and limited to a maximum level of brightness would not satisfactorily mitigate its harmful visual impact.
10. Being noticeable obviously reflects the key purpose of the new hub and advertisement display, which is to draw the eye of people passing by. In doing so, the proposal would be effective given its high visibility to a busy highway. However, this consideration has to be balanced against the need to ensure that advertisements do not have a negative impact on the appearance on the built environment, especially in areas of acknowledged heritage value.
11. For the reasons given, the proposed hub and advertisement would detract from, and so fail to preserve or enhance, the character and appearance of the CA. The public benefits of the appeal schemes, which mainly relate to the access given to the latest communications technology; the provision of a defibrillator; and the opportunity to show public announcements, facilitate way finding and provide emergency assistance are insufficient to outweigh the

significant harm that I have identified.

12. On the first main issue, I conclude that the new hub and advertisement display would materially harm the character and appearance of the local area. Accordingly, it conflicts with Policies 7B, 7C and 7.4 of the Development Management Development Plan Document, Policy 1.1 of the Development Strategy, LP Policy HC1 and the objectives of the Management Plan. These policies broadly aim to ensure that new development conserves the significance of heritage assets, has a positive visual impact, enhances local context, delivers good design and compliments the existing built up area.
13. There would also be a conflict with the statutory duty, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. The proposal would also be at odds with the National Planning Policy Framework, which aims to ensure that places are well designed and that designated heritage assets are protected.

Public safety

14. The Council raises additional concern that the new hub would obstruct footway users, to the detriment of public safety. At the mid-morning site visit, I did see that the footways near to and around the site were heavily used especially with people using the adjacent pedestrian crossing and walking towards and from the nearby bus stops. Even so, the new hub would be evident within a reasonably wide pavement with ample circulation space around it.
15. Therefore, I find no material harm to public safety including those using the footway along High Street. As such, there is no conflict with the planning policies cited by the Council and LP Policy T4 insofar as they aim to protect public safety. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other matters

16. My attention has been drawn to several decisions relating to proposals that are similar to that before me in other locations including conservation areas. From the information provided, these cases differ in nature, scale and location to the proposal before me such that few direct parallels can be drawn from them. In any event, I have assessed the proposals on their own merits and find them objectionable for the reasons given.

Conclusion

17. For the reasons set out above and having regard to all other matters raised I conclude that both Appeal A and Appeal B should be dismissed.

Gary Deane

INSPECTOR