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## Appeal Decisions

Site visit made on 25 October 2022

**by A Caines BSc (Hons) MSc TP MRTPI**

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

**Decision date: 04 November 2022**

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### **Appeal A Ref: APP/R5510/W/22/3291818**

#### **Pavement o/s 74A Green Lane, Northwood HA6 2XS**

- 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 British Telecommunications PLC against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 76743/APP/2021/3443, dated 27 August 2021, was refused by notice dated 13 January 2022.
  - The development proposed is installation of 1no new BT Street Hub, incorporating 2no digital 75 inch LCD advert screens, plus the removal of associated BT kiosk(s).
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### **Appeal B Ref: APP/R5510/H/22/3291819**

#### **Pavement o/s 74A Green Lane, Northwood HA6 2XS**

- 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 BT Telecommunications PLC against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 76743/ADV/2021/39, dated 27 August 2021, was refused by notice dated 13 January 2022.
  - The advertisements proposed are 2no digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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### **Decision**

1. Appeal A and Appeal B are both dismissed.

### **Preliminary Matters**

2. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
3. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.

### **Main Issues**

4. The main issues for Appeal A are whether the proposal would preserve or enhance the Northwood Town Centre, Green Lane Conservation Area, and its effect on pedestrian movement and public safety.
5. The main issue for Appeal B is the effect of the advertisements on amenity, with regard to the Northwood Town Centre, Green Lane Conservation Area.

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

### *Conservation Area*

6. The appeal site is part of the pavement on Green Lane within the Northwood Town Centre, Green Lane Conservation Area (the CA). Green Lane is the primary road in the CA and contains the commercial core of Northwood. The Northwood Town Centre, Green Lane Conservation Area Appraisal notes that the street scene within the town centre is generally of a very high standard, and whilst there are some modern developments, the area nevertheless has a very strong character and an unusually high proportion of good quality buildings. This reflects my own observations and I consider that the significance of the CA, in so far as it relates to these appeals, is mainly derived from the quality and variety of the historic buildings and the relationships of these to each other and the spaces, streets and public realm around them.
7. The appeal site is in a prominent roadside position and at a gateway to the CA on approach from the east. The road at this point is flanked by three and four storey buildings with commercial units at ground floor. The Hub would be located outside No 76-78, which is an attractively-detailed, neo-Georgian style locally listed building that enhances this gateway location and contributes positively to the significance of the CA.
8. Although there is a variety of illuminated signage on the shop frontages, I saw that these are mainly externally illuminated from above, or contain halo illuminated lettering, with a fairly soft and restrained appearance. Moreover, the majority of the shop signage is only illuminated during darker hours. I therefore do not agree with the appellant that the area in the vicinity of the appeal site contains bright, well-lit frontages.
9. There are however a number of existing structures within the pavement which contain illuminated poster advertisement panels. These include the existing telephone kiosk outside No 74A, two bus stops, and a free-standing double-sided advertisement unit. These features combine with an array of benches, litter bins, and street lighting columns to give the public realm a heavily cluttered appearance at this point, and as a result have a negative influence on this part of the CA.
10. As the proposed Hub would replace the existing telephone kiosk, it would not add to the physical clutter within the pavement. Nevertheless, it would be slightly taller than the existing kiosk, and due to its design, colour, and permanently illuminated, double-sided LCD display screens, would have an overtly more modern and eye-catching appearance. The double-sided display screens would also increase the overall number of advertisements in this location. Consequently, the proposed Hub would have a greater degree of prominence in the street scene, and in combination with the existing advertisement displays here, would result in an excessive proliferation of roadside advertisements within a short stretch of road. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screens were carefully controlled. The Hub would also be seen more closely with No 76-78 where its modern design and LCD method of illumination would jar with the traditional character and detailing of this locally listed building, thereby adding to the incongruousness of the proposals within this important gateway location.

11. For these reasons, I find that the proposals would be materially more harmful than the existing telephone kiosk and would only serve to exacerbate one of the negative characteristics in this area. The proposals would therefore be harmful to the visual amenity of the area, and would not preserve or enhance the character or appearance of the CA.
12. In coming to this view, I have had regard to the appeal decision relating to the kiosk outside 51 Green Lane<sup>1</sup>. However, that kiosk lies further to the west and in a more central area which I saw was less cluttered. It is also of a very different design, somewhat resembling a traditional call box, and only has one large LCD panel on the rear. Thus, I do not regard that existing development to justify the appeal scheme or to be a reason to allow development that would be harmful. There were also a number of other appeal decisions that were brought to my attention by both main parties, but as they relate to different contexts they have very limited bearing on my consideration of this appeal. I have therefore reached my own conclusions.
13. Whilst the harm to the CA can be classed as 'less than substantial', this is nevertheless a matter of considerable importance and weight. Paragraph 202 of the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal. In this regard, the Framework indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed Hub would make a positive contribution to these aims, including through ultrafast wi-fi access, direct emergency calls, public information displays, and rapid charging, the public benefits arising from this development would, in practical terms, only be modest. Furthermore, it has not been demonstrated that this is the only location and manner in which the development could take place. I also note the intention to remove an additional call box in a different location outside the CA, but this is not mitigation for the harm that would be caused in this location, and in any event, there is no mechanism before me to secure its removal. Thus, I find that overall the public benefits of the proposals would not outweigh the harm that I have identified.
14. The proposals would therefore be contrary to the design, public realm, advertisement, telecommunications, and historic environment protection objectives of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (SP); Policies DMHB1, DMHB3, DMHB4, DMHB11, DMHB12, DMHB13A and DMHB21 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) (DMP); and Policies HC1 and D8 of the London Plan 2021 (LP). For the same reasons, there is also conflict with Parts 12 and 16 of the Framework.

#### *Pedestrian movement and safety*

15. As noted above, with the removal of the existing telephone kiosk there would be no increase in the amount of street furniture in this location. The Hub's overall footprint within the pavement would also be smaller, and it would remain aligned with the other existing street furniture. Thus, a wide footway and adequate pedestrian visibility along the pavement would be maintained. In addition, whilst I note the concerns from the Council in relation to crime and

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<sup>1</sup> APP/R5510/Z/16/3157043

anti-social behaviour, I have little evidence before me to suggest that the proposals would give rise to this.

16. Therefore, the proposals would not adversely affect pedestrian movements or public safety in this location. In these regards, the proposals comply with the pedestrian safety and accessibility objectives of Policy BE1 of the SP; Policy DMHB12 of the DMP; and Policies D3, D5 and D8 of the LP.

### **Conclusion**

17. I have found that the proposals would be harmful to visual amenity and would not preserve or enhance the character or appearance of the CA. In relation to Appeal A, there would also be conflict with the development plan and the Framework in these regards. This harm is not outweighed by any public benefits that would arise. Accordingly, both Appeal A and Appeal B should be dismissed.

*A Caines*

INSPECTOR