



Appeal Decisions

Site visit made on 28 March 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2023

Appeal A Ref: APP/Y1945/W/22/3302525

Pavement o/s The Parade, High Street, Watford WD17 1LN

- 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 James Browne of BT Telecommunications PLC against Watford Borough Council.
 - The application Ref 22/00469/FUL, dated 29 March 2022, was refused by notice dated 4 July 2022.
 - The development proposed is installation of 1no. new BT Street Hub plus the removal of 2no. associated BT kiosks.
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Appeal B Ref: APP/Y1945/H/22/3302526

Pavement o/s The Parade, High Street, Watford WD17 1LN

- 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 Mr James Browne of BT Telecommunications PLC against the decision of Watford Borough Council.
 - The application Ref 22/00470/ADV, dated 29 March 2022, was refused by notice dated 4 July 2022.
 - The advertisement proposed is the display of 2no. digital 75" LCD advert screens. One on each side of the Street Hub unit.
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Decision

1. Appeal A is allowed and planning permission is granted for installation of 1no. new BT Street Hub plus the removal of 2no. associated BT kiosks at pavement o/s The Parade, Watford WD17 1LN in accordance with the terms of the application, Ref 22/00469/FUL, dated 29 March 2022, subject to the following conditions:
 - 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: BT Street Hub - Street Hub Renders; BT Street Hub Unit Elevations; 001 Rev A, 002 Rev A, 003 Rev A; Street Hubs Product Statement; BT Street Hub - Noise Management Plan; BT Street Hub Anti Social Behaviour Management Plan; WATF008 BT Street Photo Montage.
2. Appeal B is allowed and express consent is granted for the display of 2no. digital 75" LCD advert screens. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

3. Appeal A proposes installation of a BT Street Hub unit and removal of telephone kiosks. Appeal B involves an application for express consent for the display of the LCD advert screens on either side of the proposed unit. I have amended the descriptions of development above to reflect the scope of each appeal.
4. As per the Regulations for the control of advertisements, I have limited my consideration of Appeal B to matters of amenity and public safety and have had regard to the development plan only insofar that it is relevant to my consideration of those matters.
5. After the Decision Notice was issued the Council adopted the Watford Local Plan 2021-2038. Consequently, some policies cited on the Decision Notice no longer form part of the development plan. I have determined the appeals in the context of the development plan in place at time of my decision.

Main Issues

6. The main issues for Appeal A are the effects of the proposal on (i) the character and appearance of the area, with particular regard to the significance of the Civic Core Conservation Area and other heritage assets; and (ii) highway safety.
7. For Appeal B, the main issues are the effects of the advertisements on amenity and public safety.

Reasons

Character and appearance / amenity

8. The proposed development would be sited within a part of Watford's High Street known as The Parade. The area is a wide pedestrianised street which is commercial in character with a mix of shops, restaurants, bars, and other town centre services. At street level, the appearance of the area is shaped by the mix of modern shop fronts and outdoor seating serving eating and drinking establishments. The area appears a popular civic space for shopping and leisure.
9. A uniform row of mature trees runs along The Parade. Various items of street furniture are positioned within this row of trees, including lampposts, benches, refuse bins, cycle stands, an ATM, and one existing telephone kiosk to be removed as part of the proposal. The proposed development would be sited broadly within the row of trees and street furniture and near the location of the existing telephone kiosk.
10. The proposed unit would be taller than the existing kiosk, but would have a smaller footprint. Additional height is required to enable the proposed unit's telecommunications infrastructure to perform within operational and safety guidelines. However, the top of the proposed unit would be broadly level with the bottom of the fascia of nearby shop fronts, and therefore would not appear out of proportion within the street scene.
11. Within the street scene are tall buildings and features. On either side, the street is framed by tall buildings of three storeys and greater, and the adjacent mature tree and lamp post would significantly exceed the height of the

- proposed unit. The proposal would therefore be accommodated into the street scene without its height and scale resulting in visual harm.
12. Since the existing kiosk would be removed, the proposal would have a broadly neutral effect on the amount of street furniture in the area and therefore would not contribute additional visual clutter within the street scene.
 13. From my site visit, I found the door of the kiosk was currently being used to display an advertisement. The proposed advertisements would be large, illuminated displays which would be more visually prominent than the existing advertisement at the kiosk. However, within the surrounding area are a number of colourful, bold shopfronts, and therefore the illuminated advertisements would not appear out of keeping or dominant within the generally vibrant appearance of the area.
 14. The appeal site is located in the Civic Core Conservation Area (CA). The nearest buildings to the siting of the proposed development include Monmouth House, a Grade II Listed Building, and Nos 97-99 The Parade, a locally listed building.
 15. The Civic Core Conservation Area Character Appraisal 2015 describes the CA's special interest, and to my mind its significance, as an area of the town that contains the core of the borough's civic buildings and northern-most section of Watford's medieval settlement. The CA is largely linear and follows the path of a historically important road and contains a number of nationally listed buildings, some of which date back to the 17th century.
 16. Monmouth House dates from the early to mid-17th century as a three-storey, red brick house. The building's special architectural interest is derived from its form and appearance. Notably, the four coped gables with parapets between contribute significant visual interest to the roof line. Architectural details including the brick stringcourse and the arrangement of black framed windows with white casements in segmented arched openings contribute positively to the appearance of the façade. Nos 97-99 is a two and a half storey building which adjoins Monmouth House, with elevations of timber and brick in a vertical herringbone pattern providing visual and architectural interest.
 17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LCBA Act) requires special attention be had to the desirability of preserving or enhancing the character or appearance of the CA, and Section 66(1) requires special regard be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.
 18. Monmouth House and Nos 97-99 contribute positively to the character of the area. However, the features of special architectural or historic interest are generally confined to the upper floors and roofline. The buildings' modern shopfronts provide a generally contemporary appearance at street level. The proposed unit would be oriented perpendicular to the front elevation of the buildings and the illuminated advertisements would not therefore visually compete with or distract from views of the upper floors of the façade of Monmouth House or Nos 97-99. Due to the presence of existing modern development, the proposal would not adversely affect the visual presence nor contribution of the listed buildings and locally listed building.

19. Within this part of the CA, the character is shaped by its mix of historic civic buildings and modern commercial development within a modern public realm. The proposed development would not appear incongruous or unduly prominent within the character of the CA. Overall, the proposed development would have a neutral effect upon the heritage assets and their settings.
20. For the reasons set out above, Appeal A would not harm the character and appearance of the area, with particular regard to the significance of the Civic Core Conservation Area and other heritage assets. For the same reasons, Appeal B would not harm amenity.
21. The proposals would therefore reflect the character of the area and accord with the design principles required by Watford Local Plan 2021-2038 (LP) Policies QD6.2 and QD6.4 to achieve high quality design, and would comply with LP Policies HE7.1, HE7.2 and HE7.3 which together require proposals to conserve the significance of heritage assets and their settings.
22. In addition, the proposals would accord with paragraphs 134, 197, 202, 206 of the National Planning Policy Framework (the Framework) which together require proposals to be well designed and recognise the positive contribution heritage assets make to local character and distinctiveness.
23. For the purposes of Appeal B, the proposal would accord with the provisions of paragraph 136 of the Framework, which identifies that the quality and character of places can suffer when advertisements are poorly sited and designed.

Highway safety / public safety

24. As discussed above, the proposed unit would be sited within a section of pavement occupied by trees and street furniture. The proposed unit would therefore be offset from the wide, pedestrianised, central section of The Parade, which also appears to be used by cyclists.
25. The scale of the proposed unit would be relatively small within the context of the street and would not affect views or visibility to any significant degree. Furthermore, the proposed unit would have a smaller footprint than the existing telephone kiosk that is to be removed as part of the proposed development. Therefore, the proposed unit would not decrease the space available to pedestrians and cycles.
26. The proposal would not therefore obstruct the movement of pedestrians or cycles, nor impede accessibility or wayfinding through the town centre. In addition, due to the proposed siting, set back from retail units and between a large tree and lamp post, I do not consider the proposal would restrict future outdoor seating for nearby shop premises.
27. For the reasons set out above, Appeal A would not harm highway safety, and on this basis, I find that Appeal B would not harm public safety. The proposal would therefore comply with Policies 5 and 7 of Hertfordshire's Local Transport Plan 2018, which together encourage walking as a sustainable mode of travel, prioritises pedestrian movements in town centres, and requires places be safe, suitable for all people.
28. In addition, Appeal B would support paragraph 136 which requires advertisements be subject to controls in the interests of public safety.

Other Matters

29. Permitted development rights require removal of redundant infrastructure, such as the existing kiosk. However, the removal of the existing kiosk is a relevant consideration in assessing the cumulative effects of the proposal both in terms of visual amenity and public safety, as set out above.
30. In addition, whilst the telephone kiosk may be redundant, it does not follow that the need for telecommunications infrastructure is also redundant. The proposed development would provide 5G and Wi-Fi network coverage and other related facilities and services such as device charging, wayfinding, and an emergency services call button. It is therefore reasonable to regard the proposed development as a replacement of the existing telephone kiosk with modern telecommunications infrastructure.
31. The Council suggests the benefits of the proposal are limited as free Wi-Fi is already available across the town centre. Paragraph 114 of the Framework indicates planning decisions should support the expansion of electronic communications networks including 5G mobile technology and full fibre broadband connections, both of which would be provided by the proposal. At paragraph 118, the Framework states that Councils should not prevent competition between operators or question the need for an electronic communications system. Therefore, the presence of existing telecommunications infrastructure in the area does not weigh against the proposal.
32. The Council has also raised concerns regarding the effects of the installation of the proposed development on existing features within the public realm, such as existing paving and street furniture. Since the proposed unit would be sited on adopted highway land, the making good of the area following installation of the proposed unit is a matter for the Highway Authority.

Conditions

33. For Appeal A, in addition to the standard time limit for the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.
34. Since I have granted express consent for the proposed advertisements described in Appeal B, the advertisements are subject to the five standard conditions set out in Schedule 2 of the Regulations.

Conclusion

35. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude that Appeal A and Appeal B should be allowed.

E Dade

INSPECTOR