



Appeal Decisions

Site visit made on 22 May 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2023

Appeal A Ref: APP/M5450/W/22/3308471

Pavement outside 309 Station Road, Harrow HA1 2TA

- 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 Thomas Johnston (J C Decaux UK Ltd) against the decision of the London Borough of Harrow.
 - The application Ref P/2435/22, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator
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Appeal B Ref: APP/M5450/H/22/3308472

Pavement outside 309 Station Road, Harrow HA1 2TA

- 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 Thomas Johnston (J C Decaux UK Ltd) against the decision of the London Borough of Harrow.
 - The application Ref P/2467/22, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The advertisement proposed is the display of one freestanding LCD sign.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for the proposed hub. Appeal B is in respect of refusal of advertisement consent for the LCD signage which would be an integral part of the proposed hub sought under Appeal A. I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently, except where otherwise indicated.
3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of Appeal B, the policy referred to me by the Council has not therefore, by itself, been decisive.
4. In Appeal B, I have taken the description of the proposed advertisement from the Council's Decision Notice as this is a more accurate description.
5. The appeal site lies within sight of 286-288 Station Road, a Grade II Listed Building. There is no dispute between the main parties that the proposed development would not have an adverse effect on the setting of the Listed Building. Pursuant to the duty under s66(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view because of the intervening distance and the prevailing commercial character of the locality. Accordingly, it is my view that the development proposed would preserve the setting of the designated asset and I shall make no further reference to this matter.

Main Issues

6. The main issues in the appeals are the effect of the proposal on:

- pedestrian movement and safety
- the character, appearance and visual amenity of the area.

Reasons

Safety and accessibility

7. The site lies on a stretch of pavement with active pedestrian flows on the approach to a busy pedestrianised area of the town centre. It lies close to a daytime outside seating area associated with a coffee shop at 309 Station Road.
8. Although the appellant's plans suggest a remaining pavement width of some 3.9m to the fascia of the buildings immediately to the back of the pavement, accounting for the seating area, the actual available pavement width would be much less. It would cause a pinch point on the pavement which, at the time of my site visit, was well used.
9. Although I saw examples of pavement narrowing in association with street furniture and the display of goods outside shop frontages elsewhere, the extent of the narrowing was not so great as that which would arise from the proposal. There would be limited space between the hub and the outdoor seating area.
10. In impeding the width of the pavement and channelling opposing flows of users, some may seek to bypass on the road side of the hub. Although a limited width is proposed between the display and the kerb line, being mindful that the display would also prevent views to any users approaching from the opposite direction, opposing pavement users might be inclined to step out into the main carriageway to pass. In a location where buses would be closing in on the kerb line to pull-up at the nearby bus stop, this would be particularly hazardous.
11. I acknowledge that the proposal is described by the appellant as the replacement of an existing payphone kiosk, however, at the time of my site visit the site was free from structures. Accordingly, the introduction of the hub in this location would create a new obstruction to pedestrian flows. In addition, it would act as a visual block to those moving along the pavement. It would fail to strengthen the pedestrian route and conflict with the aim of providing inclusive and accessible environments for all.
12. For the above reasons, I find the proposal under Appeal A would conflict with Policy D8 of The London Plan [2021] (the LP) as it seeks to maximise the contribution of the public realm for active travel and ensure its safe, accessible and inclusive use; and Policies DM1 and DM2 of the Harrow Council Development Management Policies [2013] (the DMP), which seek safe,

sustainable and inclusive access and movement, and to strengthen pedestrian routes and avoid impeding pavement users.

13. In relation to Appeal B, I find the proposal would impede the pavement to a degree that would prejudice the safety of public users. It would therefore conflict with the aim of Policy DM5 of the DMP to protect the safety of the environment for pedestrians.

Visual amenity

14. The site lies within the pavement on the north-western side of Station Road, a busy town centre street. The area is characterised by predominantly commercial ground floor shops and businesses along designated Primary Shopping Frontages set immediately to the back of the pavements. Upper floors appear to be in a mix of uses.
15. In the locality the buildings form substantially continuous parades between road junctions. On Station Road, the sweeping street benefits from a generally open aspect between the strong flanking frontages. In the vicinity of its junction with St Anns Road, the curving orientation of the corner buildings provides a broader open space which is visibly legible on the Station Road approaches.
16. Although the hub would reflect the scale of other freestanding digital or internally illuminated advertisement units and/or modern communication points, in the locality, the monolithic housing with a sizeable block-like form when viewed along the street would appear as an intrusive element amongst the more slender and/or visually limited street furniture.
17. The display would appear imposing due to its dimensions and intended highly visible presence. The unit would impose on the streetscape and reduce the visible legibility of a core junction and public space. As such, even taking into account the busy commercial surroundings and bus stop advertising along the road, the hub would cause significant harm to the character and appearance of the locality.
18. For the above reasons, the proposal under Appeal A would conflict with Policies D3.(D(1) and D(11)) and D8 of the LP, Policy CS1.B of the Harrow Core Strategy (2012) and Policies DM1, DM2 and DM49 of the DMP as they require development to respond positively to the local context, provide an attractive public realm, minimise effects on amenity and avoid detrimental impacts on the character and appearance of locations. For similar reasons, it would conflict with the National Planning Policy Framework (the Framework).
19. Furthermore, it would cause harm to the visual amenity of the locality. It would thereby conflict with Policy DM5 of the DMP.

Other Matters

20. I acknowledge the public benefits highlighted by the appellant. The hub could provide improved high quality and reliable telecommunications and connectivity through wireless, 4G and 5G capacities as supported by the Framework. It could offer opportunities for smart city applications, connecting with community and emergency services and the display of announcements by those or other organisations.

21. In general advertising, the proposal could provide economic benefits to local and other businesses. It could offer smart and other services to the public including wayfinding, device-charging and landline calls, for example. It would incorporate a defibrillator for use in emergencies in conjunction with a partnership roll-out programme to improve their geographical availability. Furthermore, those facilities would be available without direct cost to the public purse and prioritise the use of renewable energy sources. These would be benefits of the proposal.
22. I note the Council's assertion that the weight to the telecommunication benefits should be limited on account of existing and anticipated provision in the locality. Whilst this is not contested by the appellant, there is little before me to demonstrate the detail or status of any alternative delivery. Accordingly, I find there is little basis to attribute those benefits reduced weight.

Planning Balance and Conclusions

23. I have found that the proposals would be harmful to highway and public safety, as well as to the amenity and character and appearance of the area. There would be conflict with the development plan in those regards. Even when accounting for the scope of local benefits that could arise, I conclude that this harm would not be outweighed in the particular circumstances of the case. Accordingly, both Appeal A and Appeal B should be dismissed.

R Hitchcock

INSPECTOR