



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/22/3308469

Pavement outside Royal Oak, St Ann's Road, Harrow HA1 1JP

- 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/2434/22, 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/22/3308470

Pavement outside Royal Oak, St Ann's Road, Harrow HA1 1JP

- 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/2466/22, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The advertisement proposed is 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.

Main Issues

5. The main issue in the appeals is the effect of the proposal on local amenity including the area's character and appearance, the setting of the locally listed Royal Oak Public House, and the use of the area as designated public open space.

Reasons

6. The site is located within a pedestrianised precinct largely contained by primary shopping frontages and other commercial premises. It lies at the head of the pedestrian area forward of the main entrance to the St George's Shopping Centre. Here the open space benefits from wide pavements extending along the shop frontages with an additional central aisle of public space marked by contrasting surfacing.
7. Within the paved area, the open space provides a number of amenities including tree planting, seating areas, street lighting, CCTV columns, local information stands and litter bins. In addition, there are both permanent and temporary stalls, bollards, a number of existing freestanding digital advertisement displays, and an advertising hub.
8. In addition to the proliferation of street furniture items, the commercial area has a high degree of advertising. Shop fascias, projecting signage, free-standing shop 'A' boards and digital display units are present. The St George's Centre frontage includes extensive signage across the building's façade.
9. The proposed siting would be amidst the clutter of existing advertising on the shopping centre building, a pub frontage and the nearby shops. Moreover, it would be within a short distance of an installed double-sided display unit offset from the central aisle and a freestanding display providing locational information. In conjunction with the existing displays, the scale and appearance of the unit would appear overly imposing and intrusive within the open space. It would result in a cluttered appearance to the detriment of the visual amenity of the locality.
10. The site is a short distance forward of the principal elevation of the Royal Oak public house, a non-designated heritage asset. Paragraph 203 of the National Planning Policy Framework (the Framework) provides that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. In respect of Appeal B, while 'amenity' is not defined exhaustively in the Regulations, it indicates that relevant factors include the general characteristic of the locality, including the presence of any features of historic, architectural, cultural or similar interest. Planning Practice Guidance provides similar advice on this matter, with the Framework highlighting that the quality and character of places can suffer when advertisements are poorly sited and designed.
12. The Royal Oak is a 2-storey brick and rendered building consisting of 2 distinct parts which are unified by an entrance link and similarly treated elevations. Between them, the buildings feature numerous elements of architectural interest including prominent chimneys, a large gable with bracketed first floor bay with hung tiles above, and a mix of simple small-pane sash and ornate timber frontage windows.
13. The building is best appreciated from views directly in front of it. This includes the area in which the proposed hub would be sited. Notwithstanding the busy commercial setting or the presence of other features which partially obscure clear views of the building, the introduction of the large unit with illuminated

changing images would be a detracting element in the visual appreciation of the heritage asset.

14. Amongst other things, Policy DM18 of the Harrow Council Development Management Policies [2013] (the DMP) seeks to protect any function that designated Open Spaces perform. According to the Council, the proposed siting would roughly coincide with the tree pit where a Christmas tree is temporarily sited during that festive season. It would also be in an area used for special events where it would limit the ability to site temporary fixtures. Accordingly, the proposal to site a permanently fixed large-scale unit would limit the ability to utilise the public realm for those purposes. It would thereby reduce the amenity value of the site during those periods.
15. For the above reasons, I find the proposal would cause significant harm to local amenity through an adverse effect on the character and appearance of the area, an indirect effect on the Royal Oak Public House non-designated heritage asset, and the use of the area as a designated public open space. It would conflict with Policies D3 (D(1) and D(11)) and HC1 of The London Plan (2021), Policy CS1.B of the Harrow Core Strategy (2012) and Policies DM1, DM5, DM7, DM18 and DM49 of the DMP as together they seek to protect the amenity of locations, respond positively to their character and appearance, conserve the historic environment and avoid adverse impacts on designated open spaces. For similar reasons it would conflict with the Framework.

Other Matters

16. I acknowledge the public benefits highlighted by the appellant in support of the proposal. The hub could provide improved high quality, reliable telecommunications and connectivity through wi-fi, 4G and 5G capacities. It could offer opportunities for connecting with community and emergency services and the display of announcements by those or other organisations.
17. The proposal could provide economic benefits to local and other businesses through advertising. It could offer 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 are benefits in favour of the development.

Planning Balance and Conclusions

18. I have found that the proposals would be harmful to amenity through its effects on the character and appearance of the area, the indirect effect on a non-designated heritage asset and the value of the public open space. The extent of benefits that would arise would not outweigh the totality of that harm. There would be conflict with the development plan read as a whole and the requirement to control advertisements in the interests of amenity. Accordingly, I conclude that both Appeal A and Appeal B should be dismissed.

R Hitchcock INSPECTOR