



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/22/3308480

Pavement outside 43 Bridge Street, Harrow HA5 3HR

- 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/2438/22, dated 29 June 2022, was refused by notice dated 25 August 2022.
- The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.

Appeal B Ref: APP/M5450/H/22/3308483

Pavement outside 43 Bridge Street, Harrow HA5 3HR

- 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/2474/22, dated 29 June 2022, was refused by notice dated 24 August 2022.
 - The advertisement proposed is the display of a freestanding LCD sign.
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Decisions

1. Appeal A is allowed and planning permission is granted for the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator on the pavement outside 43 Bridge Street, Harrow HA5 3HR, in accordance with the terms of application Ref P/2438/22, dated 29 June 2022, subject to the conditions set out in a Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the display of a freestanding LCD sign as applied for. 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 and the additional conditions set out in the Schedule attached to this Decision.

Preliminary Matters

3. 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.
4. 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.

5. 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 Issue

6. The main issue is the effect of the proposal on the character, appearance and visual amenity of the locality.

Reasons

7. The site is located within a wide pavement to the south-western side of Bridge Street. The area is characterised by parades of predominantly commercial premises and shops at ground floor with mixed uses above. As a primary shopping area, the locality features an established array of shop frontage advertising and occasional A-boards. A nearby bus stop includes a digital advertising display.
8. The road has a spacious feel on account of the combined width of the carriageway and pavements. The site is located in an area of the pavement which widens out between recessed parking areas and a bus lay-by close to the junction of Bridge Street with Love Lane. In that context, the scale of the hub and display would be moderated by the space about it. Although it would be viewed as a notable feature, as it is intended to be, it would respect the human scale of the streetscape and not be unduly prominent or obtrusive within it.
9. During darkness hours, it would appear more pronounced on account of the internal illumination. However, subject to controlled lighting intensity, which could be controlled by condition, I find there is little reason to consider it might appear incongruous or overtly imposing in the commercial setting.
10. Although it would be set within a cluster of street furniture, including a lamp stand, parking meter, cycle stands and a zebra crossing, in the broad scale of the footway, the group would not appear overly cluttered. Furthermore, it would lie sufficiently distant from an existing bus shelter with incorporated digital advertising and a call box to provide an adequate degree of visual separation and avoid any sense of an excessive proliferation of advertising.
11. For the above reasons, I find that the proposal would preserve the character, appearance and visual amenity of the locality. It would align with Policy D3 of the London Plan [2021], Policy CS1 of the Harrow Core Strategy [2012] and Policies DM1 and DM49 of the Harrow Development Management Policies Local Plan [2013] (the DMP) as they require well designed development to positively respond to the character of their locations.
12. For similar reasons, I find the proposal would preserve the amenity of the locality. It would thereby be consistent with the requirement within Policy DM5 of the DMP and the revised National Planning Policy Framework.

Other Matters

13. I note the concerns of the Council's highway advisor in respect of a potential conflict with the Pinner Fair. However, there is little before me to demonstrate how the proposal would be incompatible with that use of the highway. It is therefore a matter of limited weight in the appeal.
14. The Secure by Design representative indicates a preference for the removal of an existing phone box. Whilst the accompanying application forms describe the

proposals as a replacement of an existing phone kiosk, there was no kiosk present on the site. If it is intended to remove an existing facility in lieu of the proposal, it is unclear where or when this would take place. It is not, therefore, a matter I have attributed weight to in the appeal.

15. Concerns that the provision of free wi-fi would encourage loitering and/or congregation in the locality are noted. The appellant suggests that the management of services provided is a matter which can be secured by condition to respond to any adverse effect arising from their use. To avoid such potential effects, I find this a reasonable proposal which could be secured in the manner suggested. Similarly, concerns that the hub be maintained in a reasonable condition could also be secured by that mechanism.

Conditions

16. I have considered the suggested conditions from the Council and the appellant and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of providing a mechanism to mitigate any undesired effects of the hub, a condition in relation to its management is reasonable.
17. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. In addition, in the interests of safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary.

Conclusion

18. For the reasons given above, Appeals A and B are allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions:

Conditions in relation to Planning Permission Ref. P/2438/22

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Communication HUB Proposal Site 5 Pavement opposite Outside 43 Bridge Street, HA5 3HR Site Plan and Images (A01958) (including location plan, site plan, on-street images and Communication Hub Unit appearance) and, Appendix A Hub Detail Unit.
3. Prior to the first display of any advertisement, a management plan shall be submitted to and approved in writing by the Local Planning Authority concerning the use and operation of the hub. The hub shall thereafter be operated in accordance with the agreed management plan.

Additional Conditions in relation to Advertisement Consent Ref. P/2474/22

1. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.
2. The intensity of the illuminance of the advertisement display shall be no greater than 600Cdm^{-2} during hours of darkness.
3. No visual effects of any kind shall be permitted to accompany the transition between any two successive images. The replacement image must not incorporate any fading, swiping or other animated transitional method.
4. The minimum time between successive displayed images shall be 10 seconds.

END.