



Appeal Decisions

Site visit made on 23 May 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal A: Appeal Ref: APP/E5330/W/22/3309895

Pavement O/S Boots, 196-198 Trafalgar Road, London SE10 9ER

- 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 Brown of BT Telecommunications Plc against the decision of Royal Borough of Greenwich Council.
 - The application Ref 22/1851/F, dated 24 May 2022, was refused by notice dated 5 September 2022.
 - The development proposed is installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks.
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Appeal B: Appeal Ref: APP/E5330/W/22/3309896

Pavement O/S Boots, 196-198 Trafalgar Road, London SE10 9ER

- 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 Brown of BT Telecommunications Plc against the decision of Royal Borough of Greenwich Council.
 - The application Ref 22/1852/A, dated 24 May 2022, was refused by notice dated 5 September 2022.
 - The advertisement proposed is 2no. digital LCD display screens, one on each side of the Street Hub unit.
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Decision

Appeal A: Appeal Ref: APP/E5330/W/22/3309895

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/E5330/W/22/3309896

2. The appeal is dismissed.

Preliminary Matters

3. The proposals are located on the same site and relate to each other. I have therefore considered the appeals in a single decision letter to avoid repetition. However, I have considered each proposal on its individual merits.
4. In respect of both appeals, the spelling of the appellant's name varies between the application and appeal forms. I have taken the appellant's name from the application form as the right of appeal rests with the original applicant.
5. Also in respect of both appeals, the descriptions of the proposals in the heading above have been taken from the application form which differs from those on

the Council's decision notices. In Part E of the appeal forms it is stated that the description of development has not changed or that the description is as set out in the appeal documents. Neither of the main parties has provided written confirmation that revised descriptions of the proposals have been agreed. Accordingly, I have used those given on the original application.

6. In respect of Appeal A, the location of the site given on the appeal form differs from that on the application form. I have taken the site location in the heading above from the application form as this accurately reflects the location of the proposal.
7. In relation to Appeal B, the Council's reason for refusal refers to the National Planning Policy Framework (the Framework) and the policies of the development plan. However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the Framework and development plan policies into account, they have not been a decisive consideration in my determination of Appeal B.

Main Issues

8. The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area. The main issue in respect of Appeal B is the effect on the amenity of the area.

Reasons

9. The appeal site is located within the pavement of the shopping area of Trafalgar Road. The area contains a number of commercial frontages with associated fascia advertisements and displays, as well as a number of features within the pavement including a bus stop, street trees, seating and signage. As a result the streetscape in this area is of a cluttered appearance, although the street trees serve to soften views.
10. The appeal proposals would be located within the pavement close to the edge of the carriageway. Due to this prominent location the proposed hub and advertisements would add unacceptably to the cluttered appearance of this section of the streetscape.
11. This harm would be exacerbated due to the close proximity of the proposals to a bus stop which also includes an advertisement display. The hub and advertisements would contrast uncomfortably with the existing bus stop display, and would lead to a jarring feature in views along the streetscape. The changing images of the proposal would also draw the eye, adding to the over-prominent and incongruous appearance of the proposal and its relationship to nearby features. Furthermore, the location of the proposals close to a street tree would diminish the contribution that this makes to softening views of the area.
12. The proposal would involve the removal of 2 phone kiosks located further along the streetscape, and the appellant refers to the fallback of their retention. These kiosks are of an unkempt appearance, and their removal would be a benefit in respect of the appearance of the area. However, these kiosks are free-standing features in a relatively uncluttered extent of the streetscape. They are distinctly separate from the appeal site and do not establish a prevailing context for the appeal proposals. The kiosks also do not include

illuminated advertisements similar to those proposed. The kiosks may also present a barrier within the footway, although it has not been demonstrated that they have an unacceptable impact on pedestrian movement or highway safety. On balance, the benefit of the removal of the kiosks would not mitigate for the harm arising from the location and design of the appeal proposals, even allowing for the smaller footprint and bulk of the proposed hub.

13. I am mindful of the public benefits of the proposals, including that high quality and reliable communications infrastructure is essential for economic growth and social well-being. The appellant emphasises the benefits that would arise from the proposal, including the provision of wi-fi, 5G coverage, services for visitors to the area, and air quality monitoring. However, it has not been demonstrated that these benefits could not be provided by infrastructure of a more appropriate location and design. These benefits therefore carry very limited weight in favour of the location and layout of the appeal proposals.
14. For the reason stated above, in respect of Appeal A, the proposal would lead to significant harm to the character and appearance of the area. In respect of Appeal B, the proposal would lead to unacceptable harm to amenity.
15. Given my conclusions in respect of the harm arising from the proposals, they would conflict with the design, amenity and visual impact considerations of Policies D3 and D8 of the London Plan 2021, and Policies DH1, DH(c), DH(e) and DH(f) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014. The proposals would also be contrary to the Framework with regards to achieving well-designed places.
16. I find no conflict with Policy T2 of the London Plan as no harm has been identified in respect of healthy streets, in particular the reduction of vehicle movements and the effect on movement by foot, cycle or public transport. However, this does not negate my conclusions on the main issues of amenity as well as character and appearance.

Other Matters

17. The Council has concluded that the proposals would not harm public safety, subject to conditions including with regards to highway safety. Based on what I have seen and read, I also conclude that the proposals would not harm public safety. However, this does not outweigh the harm I have identified to amenity as well as character and appearance.
18. The appellant refers to pre-application comments from the Council which state that a street hub in this location is acceptable in design terms. However, such pre-application discussions are undertaken without prejudice to the decision that the Council may make on subsequent applications.

Conclusion

19. I have concluded that the proposals would be harmful in respect of amenity as well as character and appearance. The identified harm is not outweighed by any benefits that may arise. For the reasons given, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR