



Appeal Decision

Site visit made on 27 July 2023

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Appeal A Ref: APP/Y1945/W/22/3302242

Pavement o/s 186 St Albans Road, Watford, WD24 4AS

- 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 (BT Telecommunications Plc) against the decision of Watford Borough Council.
 - The application Ref 22/00473/FUL dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the removal of two BT kiosks and the installation of one new BT street hub unit, incorporating 2no. digital 75" LCD advert screens.
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Appeal B Ref: APP/APP/Y1945/H/22/3302243

Pavement o/s 186 St Albans Road, Watford, WD24 4AS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
 - The appeal is made by Mr James Browne (BT Telecommunications Plc) against the decision of Watford Borough Council.
 - The application Ref 22/00474/ADV dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is two digital 75" LCD advert screens, one on each side of the street hub unit.
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Decisions

1. Appeal A and Appeal B are dismissed.

Procedural matters

2. Planning legislation¹ requires the determination of Appeal A to be made in accordance with the development plan unless material considerations indicate otherwise.
3. For Appeal B, planning regulations² require advertisement decisions to be made in the interests of amenity and public safety, taking into account: (a) the provisions of the development plan, insofar as it is material; and (b) any other relevant factors.
4. The Council's questionnaire shows that following determination of the appeals, a new Local Plan³ was adopted with Policies QD6.2 and QD6.4 now relevant. Further clarification was subsequently sought from the Council on the status of

¹ Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended).

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

³ A Sustainable Town, Watford Local Plan, 2021-2038, Adopted 17 October 2022, Watford Borough Council.

the policies referred to on the decision notices from the District Plan⁴ and Core Strategy⁵ and its response confirmed that these had been superseded and replaced by Policies QD6.2 and QD6.4. The appellant was given the opportunity to comment on this updated development plan position but no response was received. On this basis, and in light of the updated development plan position, Policies QD6.2 and QD6.4 have been used for my determination in both appeals in accordance with the legislative requirements described above.

5. The address on the application forms and decision notices refers to the pavement outside No. 204 St Albans Road whereas the appeal forms refer to the pavement outside No. 186. Clarification was sought from the Council on this matter and its response confirmed it to be the latter. The appellant was given the opportunity to comment on this but no response was received. In light of this, and because I agree that No 186 is the more accurate address, I have proceeded to determine the appeal on this basis.

Main issues

6. The main issues for both appeals are the effect of the development and associated advertisements, on:
 - the amenity of the area, with specific regard to character and appearance of the public realm;
 - public safety, with specific regard to pedestrians on the pavement and users of the vehicular highway.

Reasons

Appeal site context

7. The appeal site is an area of pavement in a District Centre primarily characterised by late 19th/early 20th century 2-storey terraced buildings with narrow shop fronts of a consistent width. The proposed street hub unit and associated digital advert screens (to be collectively referred to in this decision letter as 'the street hub unit') would be located directly adjacent to the busy St Albans Road vehicular highway (A412), just to the south of its junction with Salisbury Road.

The amenity of the area, with specific regard to character and appearance of the public realm

8. The St Albans Road pavement area in the District Centre has been subject to a recent environmental improvement scheme culminating in; (1) new paving slab surface materials; (2) high quality bollards, street light columns, highway signage and bus stops (all finished in black); (3) street planters containing attractive landscaping; and (4) occasional new street trees.
9. The proposed street hub unit would be in a highly prominent position on the St Albans Road pavement, directly adjacent to the vehicular highway, and be considerably taller than the adjacent telephone kiosk to be removed. It would as a consequence dominate the pavement area and constitute intrusive street clutter in a location where considerable local efforts have been made to

⁴ Watford District Plan 2000.

⁵ Watford's Local Plan, Part 1 – Core Strategy 2006-31, Adopted 30 January 2013, Watford Borough Council.

improve the character and appearance of the area and its desirability as a retail destination.

10. I recognise that the pavement area already contains a variety of street furniture and paraphernalia, much of which is required for public safety purposes (bollards, highway signage and street light columns). However, I nonetheless found this to be of a high quality design/finish and used sparingly enough to not dominate and compromise the open character of the pavement or restrict views of the shop frontages and fascia signage. Furthermore, I found the pavement area to be largely free of freestanding advertisement features (digital or otherwise), allowing the attention of passers-by to be drawn to the shop frontages.
11. It has been asserted by the appellant that the appeal scheme would represent an improvement on the fallback position of retaining the 2 existing telephone kiosks. However, for the reasons identified above, it is my view that the retention of these units would be less harmful than the proposal now before me.
12. In light of the above, I conclude that the street hub unit would appear out-of-place and harmful to the amenity of the area, with specific regard to the character and appearance of the public realm. It would therefore fail to comply with Policies QD6.2 and QD6.4 of the Local Plan which state, among other things, that new development should be; (1) visually attractive; (2) designed to create high quality street scenes; and (3) make a positive contribution to high quality design and placemaking.
13. Paragraph 136 of the Framework⁶ states that the quality and character of places can suffer when advertisements are poorly sited, as would be the case here. I also find that the scheme conflicts with Paragraphs 112, 126 and 130 of the same document, which seek, amongst other things; (1) the creation of attractive places which avoid unnecessary street clutter and respond to local character; (2) the creation of high quality places; and (3) development that adds to the overall quality of an area.

Public safety, with specific regard to pedestrians and users of the vehicular highway

14. The section of pavement where the street hub is positioned is sufficiently wide to accommodate a high degree of circulation for pedestrians and I am therefore satisfied that it would not create any obstruction. Although there are concerns that it would restrict visibility of oncoming cyclists and vehicles approaching from the south on St Albans Road, I found views from the Salisbury Road junction to be clear and unobstructed, primarily because this traffic was approaching on the left hand-side of the road, thereby affording a much larger visibility splay.
15. In light of the above, I conclude that the street hub unit would not harm public safety, with specific regard to pedestrians and users of the vehicular highway. It would therefore accord with Policies 5 and 7 of the Local Transport Plan⁷, which seek, amongst other things, to encourage walking and ensure that access arrangements are safe.

⁶ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, 20 July 2021.

⁷ Hertfordshire's Local Transport Plan 2018-2031, May 2018.

Planning balance

16. My attention has been drawn by the appellant to a number of other advertisement features approved by the Council on St Albans Road and the High Street in central Watford. However, these structures are of a different design & scale and/or the sites are sufficiently distant that they do not form part of the immediate context to the appeal site. The circumstances are not therefore comparable and I have accordingly assessed the proposal on its own merits in light of all the evidence now before me.
17. I recognise that Paragraph 114 of the Framework states that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being' and that the street hub unit would result in;- (1) improved digital connectivity and communication via free public wifi and free phone calls, which could result in a more positive experience for visitors to the District Centre and encourage them to return, thereby improving its vitality & viability; (2) USB charging; (3) an emergency services button; (4) a public information point identifying local attractions to visitors; (5) a wayfinding function that could improve public health by increasing active travel modes such as walking, cycling and public transport; (6) a service with the potential for future internet capacity upgrades without street works; (7) a range of other digital services to include sensors that can monitor air, sound and light together with pedestrian, cyclist and vehicle movements; and (8) the removal of two redundant payphone kiosks from the locality, which may help visitors feel more safe given that these structures can sometimes become magnets for anti-social behaviour. However, given the proposal only relates to one street hub unit, I consider these benefits to be of limited value and that the adverse impacts of the scheme in relation to the amenity of the area and its conflict with the development plan would outweigh these.

Conclusion

18. Although I have concluded that there is no harm in respect of the main issue relating to public safety, I am nonetheless satisfied that the harm identified in respect of the main issue relating to the amenity of the area is sufficient to still justify dismissal of both appeals.
19. All representations have been taken into account, but no matters, including the benefits of the development, and the scope of possible planning conditions, have been found to outweigh or mitigate the identified harm and policy conflict. For the reasons above, Appeal A and Appeal B should be dismissed.

Robert Fallon

INSPECTOR