



Appeal Decisions

Site visit made on 21 August 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal A Ref: APP/Y1945/W/22/3302240

Pavement Outside Watford Junction Train and Bus Stations, Station Road, Watford WD17 1EU

- 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 22/00471/FUL, dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The development was originally described as proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of 2no. associated BT kiosks.
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Appeal B Ref: APP/Y1945/H/22/3302241

Pavement Outside Watford Junction Train and Bus Stations, Station Road, Watford WD17 1EU

- 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 Browne, BT Telecommunications Plc, against the decision of Watford Borough Council.
 - The application Ref 22/00472/ADV, dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The advertisement was originally described as proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of 2no. associated BT kiosks.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Since the applications were refused, the Watford Local Plan 2021-2038 (2022) (LP) has been adopted. Consequently, the policies contained within the Watford District Plan 2000 and the Watford Local Plan Core Strategy 2006-2031 no longer form part of the adopted development plan. The Council has highlighted that policies QD6.2, QD6.3 and QD6.4 of the LP are relevant to these appeals, and the appellant was given the opportunity to comment on the updated policy position.

4. The two appeals are located at the same site. Appeal 'A' concerns the refusal of planning permission to erect a BT street hub. Appeal 'B' concerns the refusal of express consent to display advertisements on the street hub. I have considered each on its individual merits, but I have combined both appeals into a single decision as they are intrinsically linked and raise similar issues.
5. Similar appeals have also been submitted in relation to St Albans Road¹. I have determined these appeals too. The nature of the appeals overlap, but for clarity I have issued a separate decision in relation to each appeal site.
6. Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) states that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. My determination of Appeal B is made on the same basis.

Main Issues

7. The main issues, for both appeals, are the effect of the proposal on:
 - the character and appearance/ amenity of the area, and
 - public safety.

Reasons

Character and appearance/ amenity

8. The appeal site is an area of pavement, situated by the junction of Woodford Road and Station Road. It is located close to bus shelters and the frontage of Watford Junction train station. The pavement includes crowd control safety barriers, bollards, signage, a beacon associated with a zebra crossing, and street lighting. There is also an existing telephone booth which would be removed as part of the proposals.
9. I understand that improvement works have been underway to open this area as a key forecourt and node for people entering and leaving the station to travel onwards including to the adjacent buses. The area towards the front of Watford Junction train station has a pleasant, open feel which is pedestrian friendly. The area where the street hub would be located feels more enclosed due to the width of the pavement and existing street furniture situated towards either side of the pavement. In the wider area are substantial buildings, including office blocks.
10. The proposal forms part of an overarching project to remove all the existing BT kiosks in the Watford area, as part of a process of removing stock that has fallen into disrepair and improving the public realm by upgrading them with the modern street hub. The proposal involves the replacement of two long-established items of street furniture, one of which is adjacent to the proposed site. The existing telephone booth occupies a larger footprint than the street hub proposed. It is not a prominent feature as it is situated towards the side of the pavement, and in a wider section than that proposed for the street hub.

¹ APP/Y1945/W/22/3302244 and APP/Y1945/H/22/3302245

11. The Council states that the existing kiosk, as telecommunication infrastructure installed under Permitted Development legislation, would be subject to a condition under that legislation ensuring that the installation is removed when redundant. However, the appellant highlights BT has an Electronic Communications Code license and Universal Service Obligation to provide a constant public service.
12. The appellant asserts that in order to accommodate the equipment necessary to provide the immediate and future benefits to the area, the unit has to be the height and design that is proposed. They also emphasise that not all existing kiosks are in appropriate locations for a street hub.
13. It is not clear why the existing location would not be appropriate. The proposal would introduce a tall, solid structure which would be sited in an open section of the pavement. The hub's orientation and siting, in a narrower section of pavement, would exacerbate its prominence. The proposal therefore would result in this section of pavement appearing cluttered, reduce the visual openness of the area and undermine the function of the public realm. As a result of the street hub's height, scale, illumination and siting, it would result in a more dominant feature than the existing telephone booth. Thus, the proposal before me would be more harmful than the fall-back position of the existing telephone booths being retained.
14. In terms of the advertisement element of the scheme, I acknowledge that digital display panels are seen across the Borough, including on bus shelters and as freestanding panels. The nearby bus shelters and telephone booth contain advertisements but there are limited advertisements in the vicinity of the site. Taking into account the proposed location of the street hub and context of the surrounding area, the illuminated displays and changing images on both sides would exacerbate the prominence of the hub.
15. My attention has been drawn to other similar developments² which are broadly the same height and size as the proposed street hub, and did not involve direct replacements. The appellant sets out that there is a precedent in the town centre for similar developments in more sensitive locations, for example by conservation areas and listed buildings. I do not have full details of those cases. However, the context of the sites differ, and the highlighted decisions do not outweigh the harm I have found. The approved applications do not set a precedent and I have considered the appeal proposal on its own merits.
16. For the reasons given above, the street hub would be poorly sited and designed, and would fail to make a positive contribution to the area. Consequently, in relation to Appeal A, the proposal would be harmful to the character and appearance of the area. In this regard, the proposal would conflict with Policies QD6.2, QD6.3 and QD6.4 of the LP. These seek, amongst other things, to ensure public realm is attractive and new development should make a positive contribution to the identity and character of the local area. It would also conflict with paragraphs 134 and 136 of the National Planning Policy Framework (the Framework). These state that development that is not well designed should be refused, and the quality and character of places can suffer when advertisements are poorly sited and designed.

² Including 18/00079/ADV and 18/00080/ADV

17. With regards to Appeal B, the proposal would have an unacceptable effect on the amenity of the area. The provisions of the development plan, so far as they are material, have been considered. Given I have concluded that the proposal would harm amenity, Appeal B would also conflict with the development plan and paragraph 136 of the Framework.

Public safety

18. The proposal would be sited on the pavement, close to crowd control safety barriers, bus shelters, bollards, road signage, lampposts and a beacon associated with the zebra crossing. The usable pavement area is narrower at this point compared to where the existing telephone booth is located. The site is located by the main route in and out of Watford Junction train station and is a key route for onward travel for pedestrians, cyclists and bus users. The area has undergone environmental improvements to improve highway pedestrian safety and convenience, and there are further projects.
19. At the time of my site visit there was a relatively constant flow of pedestrians using this section of pavement, however I recognise this was only a snapshot in time. Given the proximity to the train station and bus stops, it is likely that there are times of the day where this section of pavement is well used. Furthermore, the appeal site is adjacent to the Warner Bros Studio tour bus stop. The Council highlights that there are issues in the area associated with queues for the tour bus. However, no substantive evidence has been provided to detail those issues.
20. My attention has been drawn to an appeal decision³, to highlight a lack of evidence relating to highway safety issues, and the impact on pedestrian movement is greater than that approved for similar proposals⁴. The appellant has also stated that they are happy to work proactively with the Transport and Infrastructure Manager to ensure that the street hubs are installed correctly in a professional manner, and would consider a planning condition to address their concerns.
21. The proposal would reduce the width of the footway and would affect the flow of pedestrians. It could also encourage people to congregate in this area when using the street hub. I recognise the Council aims to maintain footway widths without restrictions. Nevertheless, taking into account the width of the footway, there would still be sufficient space to allow pedestrians to walk along the pavement without significant obstruction.
22. The screens would display a series of static images. The method of illumination and display would be in accordance with well-established parameters and professional guidance, which could be controlled by planning conditions. Based on the evidence submitted I am satisfied that the proposal, including the advertisements, would not have an adverse impact on the safety and convenience of the footway for pedestrians and cyclists.
23. Consequently, in relation to Appeal A, the proposal would not have an adverse impact on public safety. Accordingly, in this regard, the proposal would accord with Policies QD6.2, QD6.3 and QD6.4 of the LP. These seek, amongst other things, to ensure public realm is safe and convenient, as well as complying with design principles. It would also comply with Policies 5 and 7 of the

³ APP/Z4310/W/18/3205104

⁴ Including 18/00079/ADV

Hertfordshire's Local Transport Plan 2018-2031 (2018). These seek, amongst other things, to ensure new development proposals are safe and support the delivery of the Local Transport Plan objectives as well as encourage and promote walking. In addition, in this regard, the proposal would comply with paragraph 136 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

24. With regards to Appeal B, the proposal would not have an adverse impact on public safety. The provisions of the development plan, so far as they are material, have been considered. Given I have concluded that the proposal would not have an adverse impact on public safety, Appeal B would also comply with the development plan and paragraph 136 of the Framework, in this regard.

Other Matters

25. The appellant has drawn my attention to various other matters. These include social, economic, environmental and technological benefits (including through providing free Wi-Fi, 5G cell coverage, phone calls, wayfinding feature, device charging, features to contact the emergency services, public messaging capabilities, a platform for interactive technologies, increase active travel modes, encourage greater access to public transport and a sense of safety). In addition, pre-application advice, parts of the Framework (including paragraphs 114, 115, 126, 130 and 136), local planning policy (including superseded Policy WBC 1 and strategic objective 1), Hertfordshire's Local Transport Plan, and Healthy Streets Approach.
26. The Council highlight that Watford already benefits from free Wi-Fi. Nonetheless, I recognise that paragraph 118 of the Framework states that the planning process should not seek to prevent competition between different operators or question the need for an electronic communications system. The other matters highlighted (including benefits and numerical reduction in street clutter) results in a finely balanced decision, but they would not outweigh the harm I have found.

Conclusion

27. Although I have found that the proposal would not have an unacceptable impact on public safety, the scheme would harm the character and appearance/ amenity of the area to which I attach significant weight. For the reasons given above, having considered the development plan, the Regulations, the approach in the Framework, and all other material considerations, I conclude that the appeals do not succeed.

L Wilson

INSPECTOR