



Appeal Decisions

Site visit made on 3 October 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal A Ref: APP/Y1945/W/22/3302235

Pavement outside Watford High Street Station, Exchange Road, Watford WD17 2NW

- 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 22/00465/FUL, dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The development proposed is installation of 1no. new BT Street Hub, plus the removal of 2no. associated BT kiosks.
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Appeal B Ref: APP/Y1945/H/22/3302236

Pavement outside Watford High Street Station, Exchange Road, Watford WD17 2NW

- 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 22/00466/ADV, dated 29 March 2022, was refused by notice dated 1 June 2022.
 - The advertisement proposed is the display of 2no. digital 75" LCD display screens, one on each side of the Street Hub unit.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. Since the applications were refused, the Council has adopted the Watford Local Plan 2021-2038 (the LP). Consequently, the policies cited on the decision notices no longer form part of the development plan. I have determined the appeals in the context of the development plan in place at the time of my Decisions, but as per the Regulations regarding advertisements, I have limited my consideration of Appeal B to matters of amenity and public safety having regard to the development plan as a material consideration only in so far as it is relevant to my consideration of those matters.

Main Issues

5. The main issues for Appeal A are the effects of the proposal on i) the character and appearance of the area, with regard to nearby heritage assets; and ii) the safe and efficient movement of pedestrians and cyclists.
6. For Appeal B, the main issues are the effects of the advertisements on visual amenity and public safety.

Reasons

Character and appearance/amenity

7. The appeal site is part of a forecourt outside Watford High Street Station at the corner of Exchange Road with Lower High Street. The surroundings are urban in character, but the main commercial and retail core is found further to the north along High Street.
8. I saw that the forecourt primarily facilitates the movement of people entering and leaving the station. Commensurate with this function, the forecourt is pleasantly open, uncluttered, and pedestrian/cycle friendly. The only items of street furniture located within the forecourt are a salt bin and a litter bin positioned tight up against the wall of the station. I was also struck by the noticeable absence of commercial advertising within the immediate vicinity.
9. The proposed Street Hub would have a sleek modern appearance and I have no reason to doubt that its advertisements would be displayed within industry guidelines. Nonetheless, due to its prominent central positioning within the forecourt, the Street Hub would appear highly conspicuous and would significantly detract from the existing open and uncluttered character of this area of public realm. Moreover, the permanently illuminated digital nature of the advertisements would be unlike anything else experienced in the immediate vicinity. This would exacerbate the prominence of the Street Hub in its context, particularly in lower light conditions, and would combine to have a negative effect on the character and appearance of the immediate surrounding area. This would be the case even if the illumination and the speed and frequency of image transitions on the display screens were carefully controlled.
10. Furthermore, Watford High Street Station is a locally listed building, and so, can be regarded as a non-designated heritage asset. Due to its design and function, the building serves as a landmark along the Lower High Street and gives variety and character to the streetscape. As the appeal site has an immediate visual and functional relationship with the building, it contributes to the setting of this heritage asset. The introduction of a conspicuous built form into the open forecourt would diminish the contribution of the setting to the significance of the heritage asset, adversely affecting how it is experienced.
11. Paragraph 203 of the National Planning Policy Framework (the Framework) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required.
12. The appellant has highlighted a wide range of public benefits, including free Wi-Fi, 5G cell coverage, phone calls, wayfinding feature, device charging, features to contact the emergency services, public messaging capabilities, and environmental sensors, amongst other things. I also note that such utility can contribute to the vitality of town centres. However, the benefits arising from

this single unit would, in practical terms, only be modest. Furthermore, it has not been demonstrated that this is the only location and manner in which the development could take place. This greatly limits the weight that can be given to the public benefits. In my judgement, the public benefits arising would not outweigh the harm that would be caused to the significance of the non-designated heritage asset in this case.

13. I have also considered the effect of the proposals on the adjacent High Street/King Street Conservation Area (the CA) which lies to the north of Exchange Road. However, due to the wide and busy nature of Exchange Road, a difference in ground levels, and the intervening mobile phone mast and cabinets within the highway verge, I do not consider the visual impacts of the proposal would amount to harm to the setting of the CA, such that it would be preserved.
14. The appellant explains that the proposal forms part of a wider upgrading project in the area that would see an overall greater number of telephone kiosks removed than replaced with the new Street Hubs. However, as there are no existing telephone kiosks at or in the immediate vicinity of the appeal site, this is not mitigation for the harm that would be caused in this location. Furthermore, the mere fact that Street Hubs and other similar structures have been permitted elsewhere, does not set any precedent for harmful development at the appeal site.
15. In conclusion, I find that the proposed Street Hub and its digital advertisement displays would be harmful to visual amenity and the character and appearance of the area, including the setting of Watford High Street Station, a non-designated heritage asset. Consequently, and although they are not determinative in relation to Appeal B, the proposals would conflict with LP Policies QD6.2, QD6.4, HE7.1 and HE7.3, in so far as they require new development to make a positive contribution to the identity and character of the local area, ensure public realm is attractive, and preserve and enhance the historic environment including the setting of non-designated heritage assets.
16. For the same reasons, there is conflict with paragraphs 130, 197 and 203 of the Framework in so far as they seek the creation of attractive places and recognise the positive contribution heritage assets make to local character and distinctiveness. Furthermore, paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited, as would be the case here.
17. However, as the setting of the CA would be preserved, there is no conflict with policy LP HE7.2, or paragraphs 197 and 202 of the Framework in this regard.

Pedestrian and cycle movement/public safety

18. The Street Hub would occupy a relatively small part of the forecourt, leaving space around it. Nonetheless, it would be a tall and solid structure intruding into an area of public realm where pedestrians and cyclists move in a variety of directions through the space. In doing so it would introduce a notable obstruction where none currently exists. This would make this busy section of public realm a more awkward area for pedestrians and cyclists to negotiate and cause inconvenience, particularly for those with disabilities or visual impairments. It would also encourage people to congregate in this area when

using the Street Hub, adding to the obstruction, and increasing the probability of conflict between pedestrians and cycles using this busy area of public realm.

19. The appellant has referred to other examples where similar structures have been placed within the pedestrian realm. However, the impacts of each individual case will vary depending upon the particular characteristics of the site and I do not consider that any of the examples given are directly comparable to the circumstances in this appeal. In particular, I note that in all the examples the equipment was more closely aligned with other items of street furniture, which is not the case here.
20. Accordingly, I find that the Street Hub would have an adverse effect on the safe and efficient movement of pedestrians and cyclists in this location. For Appeal A, this is contrary to LP Policy QD6.2 where it requires proposals to make a positive contribution to high quality design including by ensuring streets are efficient, convenient, and legible. There would also be conflict with paragraph 112 of the Framework which requires development to create places that are safe and secure and minimise the scope for conflicts between different highway users, including pedestrians and cyclists, and that the needs of people with disabilities and reduced mobility are addressed.
21. For Appeal B, the proposal would conflict with paragraph 136 of the Framework, where it requires advertisements be subject to controls in the interests of public safety.

Other Matters

22. As set out above, the Street Hub would offer a range of public benefits. I also recognise the support in the Framework for the expansion of electronic communications networks including 5G mobile technology and full fibre broadband connections.
23. I am mindful of these matters in respect of Appeal A; however, the benefits from this single unit would be modest and it has not been demonstrated that this is the only location in which the development could take place. These matters do not outweigh the totality of harm I have identified and the conflict with the development plan as a whole.
24. In respect of Appeal B, these matters do not weigh in favour of the proposed advertisements as decisions are made only in the interests of amenity and public safety.

Conclusion

25. Given the above, I conclude that both Appeal A and Appeal B should be dismissed.

A Caines

INSPECTOR