
Appeal Decisions

Site visit made on 20 October 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal A: Appeal Ref: APP/E5330/W/23/3316377

Pavement Opposite 7 Plumstead Road, Woolwich, London SE18 7BZ

- 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 (J C Decaux UK Limited) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/3899/F, dated 21 November 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B: Appeal Ref: APP/E5330/H/23/3316378

Pavement Opposite 7 Plumstead Road, Woolwich, London SE18 7BZ

- 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 (J C Decaux UK Limited) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/3900/A, dated 21 November 2022, was refused by notice dated 3 February 2023.
 - The development proposed is the installation of an advertisement display. The advertisement is integrated into the Communications Hub unit and comprises a LCD portrait screen that will be used to show static illuminated content.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. The appeals relate to the same site and the same proposed development, namely a multifunctional communications hub which, amongst other things, would have an illuminated digital advertisement display. To avoid unnecessary repetition, the 2 appeals have been dealt with in a single Decision letter but the appeals themselves have been considered based upon their own merits.
3. The appeal addresses are taken from the Appeal Forms because they more accurately describe the location.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the reasons for refusal for Appeal B refer to policies contained in the London Plan (LP) and the Royal Greenwich Local Plan: Core Strategy and Detailed

Policies (RGLP) they are material considerations rather than being decisive in the determination of this appeal. It is noted that RGLP Policy DH(e) is concerned about shopfronts and associated signs rather than the type of advertisement proposed.

5. In respect of Appeal A, there are duties set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be had to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. In advertisement appeals this is only relevant in so far as it relates to amenity. Where relevant, the statutory duties for designated heritage assets are echoed in LP Policies D3(11) and HC1 and RGLP Policies DH3, DH(f) and DH(i).
6. For clarity, the description for Appeal B has been adopted from the Council's Decision Notice which specifically refers to the proposed advertisement.

Main Issues

7. It is considered that the main issues for Appeal A are the effect of the proposed development on (a) the character and appearance of the streetscene and (b) the safety of other highway users. For Appeal B, the main issues are the effect of the proposed advertisement on (a) the visual amenity and (b) public safety.

Reasons

Character and Appearance

8. The proposed communications hub would be erected within an extensive area of paved footway located on the south side of Plumstead Road. The footway includes a wide range of street-furniture including trees, telecommunication kiosks, bollards, litter bins, lamp-posts and bus shelters access from a lay-by. There is some free-standing signage and external display area associated with shops. Notwithstanding the quantum of street furniture, because of the footway's width in this location the streetscene has a generally open character and appearance.
9. The appeal scheme would add an additional element of street furniture into the streetscene which would also include a sizeable element of illumination. However, by reason of its siting within a wide footway, together with the context of the near-by commercial buildings and other items of street furniture, the appeal scheme would not represent an overly dominant or incongruous addition to the streetscene which would lead to there being an unacceptable level of clutter. There would not be a conflict with RGLP Policies DH1 and DH(f) requiring developments to take into account townscape and the architecture of the surrounding buildings and for advertisements to harmonise with the scale and character of the surrounding area.
10. Fronting the footway is a covered market which is a Grade II Listed Building. The heritage significance of this building is principally its roof being an unaltered example of the Lamella construction system. . The building's frontage to Plumstead Road has large vertical metal shutter doors and with a wide façade at eaves level which combine to make the Listed Building a dominant feature within the streetscene. The roof is also visible from the paved area around the appeal site. The introduction of a visually prominent and contemporary designed communication hub, with its sizeable element of

illumination, would fail to preserve the setting of this Listed Building and would detract from its contribution to the streetscene.

11. To the west of the appeal site is the Woolwich Conservation Area. However, by reason of siting and scale, the proposed development would have a neutral effect on the setting of this designated heritage asset. In making this assessment account has been taken of the views towards Beresford Square, which is undergoing enhancement works, and the illumination of the proposed advertisement.
12. Although the degree of harm to the Listed Building would be localised and less than substantial, in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This balancing exercise applies to Appeal A.
13. In this case, the appeal scheme would provide a range of services, including WiFi, device charging, messaging facilities, free calls to landlines and charities, wayfinding and a defibrillator. It would be powered by renewable energy, would generate minimal waste and would include features to prevent crime and antisocial behaviour. The proposed development would provide a platform for other technologies such as environmental conditions, CCTV and key data, and could support businesses and the vitality of the area.
14. However, even acknowledging the support in the Framework for high quality communications, these public benefits would be modest. The identified public benefits would fail to outweigh the less than substantial harm to the designated heritage asset, which would not have a clear and convincing justification, as required by the Framework.
15. By reason of failing to preserve the setting of the Listed Building, it is concluded that for Appeal A the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with LP Policies D3 and HC1 and RGLP Policies DH3 and DH(i). For the same reasons, it is concluded that Appeal B would harm the visual amenity of the area.

Highway and Public Safety

16. The Planning Practice Guidance advises on the locations of, and types of, advertisements most likely to affect public safety on roads. It includes junctions and pedestrian crossings and those advertisements which are internally illuminated and subject to frequent changes of display, such as the proposed advertisement.
17. By reason of the width of the footway and the desire routes observed during the site visit, including to/from the bus stops, the proposed communications hub would not unduly impede or inconvenience pedestrian movement. Further, the appeal scheme would be sited well away from the carriageway of Plumstead Road and the bus stops. Accordingly, even allowing for the type of illuminated advertisement proposed, drivers of vehicles travelling along Plumstead Road would not be distracted by the appeal scheme.
18. On this issue it is concluded that the proposed development would not cause unacceptable harm to the safety of other highway users and, as such, it would

not conflict with LP Policies T2 and T4 and RGLP Policies IM(b). Amongst other matters, these policies refer to development improving street comfort, convenience and amenity; integrating with the existing footpaths by taking into account desire lines, and not increasing road danger. RGLP Policies IM(a) and IM4 are not considered to be of direct relevance to the appeal scheme because they concern major developments and sustainable travel choices for development. For the same reasons, it is concluded that Appeal B would not harm public safety.

Conclusion

19. Although the proposed development would not cause unacceptable harm to the safety of other highway users and public safety, these matters are demonstrably outweighed by the identified unacceptable harm caused to character and appearance of the streetscene and visual amenity. Accordingly, it is concluded that Appeal A and Appeal B should be dismissed.

D J Barnes

INSPECTOR