



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/23/3316152

Pavement Opposite 3 Greens End, Woolwich, London SE18 6HX

- 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 22/3906/F, dated 21 November 2022, was refused by notice dated 24 January 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/23/3316156

Pavement Opposite 3 Greens End, Woolwich, London SE18 6HX

- 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 22/3907/A, dated 21 November 2022, was refused by notice dated 24 January 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 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.

4. 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. Also, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Woolwich Conservation Area within which the appeal site is located. 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(h) and DH(i).
5. 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

6. 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

7. The appeal site is located within a wide footway, which has occasional use by vehicles along the central cobbled surface area, situated to west of General Gordon Square. Along the west side of the footway are commercial properties behind which is a high rise residential building known as Maritime House. Along footway there is some street furniture including letter bins and lamp-posts. There are traffic lights and cycle parking stands at the junction of Greens End with Thomas Street/ Wellington Street. Overall, the streetscene has an open and uncluttered appearance which is reinforced by the adding Square.
8. By reason of its siting, design and scale, the appeal scheme would appear an imposing addition to the open streetscene with added visual prominence due to the proposed advertisement panel. This proposed advertisement would introduce a sizeable element of illumination that would be both visually prominent and incongruous within the context of the openness of the footway adjacent to the appeal site.
9. The *Woolwich Conservation Area Character Appraisal Supplementary Planning Document* (SPD) includes a summary of the heritage significance of the area, including the range of commercial, civic, cultural, co-operative and ecclesiastical buildings; the building and public spaces illustrating the development of Woolwich from a historic market town into a thriving civic and commercial centre; the general low-rise built form; public open spaces and landmark historic buildings.
10. Reflecting these characteristics, General Gordon Square forms the foreground to Equitable House, which acts as the north eastern edge to the open space. This is a Grade II Listed Building which is a 3-storey building with Portland stone and mansard roof of Westmoreland slate. There is a central projecting entrance portal with a brass panelled door and 5 bays windows to each side.

Reference is made in the SPD to development in the foreground or background of Equitable House should preserve its prominence and the openness of the square in front. The SPD identifies View T03 along Greens End which includes the flank elevation of Equitable House.

11. By reason of the separation distance between the site and Equitable House, the scale and design of the appeal scheme would not adversely affect the setting of this Listed Building. However, the introduction of a visually prominent and contemporary designed communication hub into what is an open streetscene with limited street furniture would fail to preserve the character and appearance of this part of the Conservation Area and would harm the wider visual amenity of the streetscene, including intruding into View T03.
12. Although the degree of harm to the designated heritage asset 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 and is the type of exercise the appellant refers to as being required because of the Conservation Area encompassing commercial uses and the variations in character and appearance across the area.
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. For the reasons given, 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(11) and HC1 and RGLP Policies DH1, DH3, DH(f), DH(h) and DH(i). In addition to heritage considerations, these policies also refer to development being of a high quality of design taking account of townscapes. 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 Square and adjacent commercial premises,

the proposed communications hub would not unduly impede or inconvenience pedestrian movement. There would be sufficient width either side of the appeal scheme to maintain the free flow of pedestrians along Greens End. The proposed development and advertisement would not impede vehicles using Greens End nor result in a conflict between vehicle and pedestrian movements.

18. For Appeal A 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 Policy T4 and RGLP Policy IM(b). Amongst other matters, these policies refer to development improving street comfort, convenience and amenity and integrating with the existing footpaths by taking into account desire lines. 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