



## Appeal Decisions

Site visit made on 5 September 2023

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 October 2023**

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### **Appeal A Ref: APP/Y1110/W/23/3318416**

#### **Pavement opposite 1 Paris Street, Exeter EX1 2JB**

- 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 Thomas Johnston (JC Decaux UK) against the decision of Exeter City Council.
  - The application Ref 22/1380/FUL, dated 3 October 2022, was refused by notice dated 10 February 2023.
  - The development proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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### **Appeal B Ref: APP/Y1110/H/23/3318417**

#### **Pavement opposite 1 Paris Street, Exeter EX1 2JB**

- 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 Thomas Johnston (JC Decaux UK) against the decision of Exeter City Council.
  - The application Ref 22/1381/ADV, dated 3 October 2022, was refused by notice dated 10 February 2023.
  - The advertisement proposed is the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator.
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## **Decisions**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is dismissed.

## **Preliminary Matters**

3. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
4. The application form states that a payphone kiosk is currently installed on the area of pavement that forms the appeal site. However, this was not the case when I conducted my site visit and there is no further reference to it within the evidence before me. As such, I have not taken this into consideration when making my decision.

## **Main Issue**

5. The main issue with respect to Appeal A is the effect of the proposed development on the character and appearance of the area.
6. The main issue with respect to Appeal B is the effect of the proposed advertisement on the amenity of the area.

## **Reasons**

7. The appeal site comprises an area of pavement outside 1 Paris Street, Exeter. It is positioned immediately in front of commercial frontages in a bustling and vibrant commercially-orientated area of the city centre that contains a range of building styles and sizes.
8. Several items of street furniture are present near the site, including a lighting column, a bus stop, bicycle stands, pedestrian crossing signals and a mature street tree. Nevertheless, the generous width of the pavement in this location means that it has the appearance of being relatively uncluttered by street furniture, and the advertising, branding, and fascia signs present on nearby buildings in retail and commercial use at ground floor level is predominantly visually restrained and mostly unobtrusive in appearance.
9. The proposed hub would be a tall and wide structure, with a rectangular block-like design. While its appearance would not detract from the appearance of the relatively modern looking buildings on Paris Street and nearby High Street, its height and design mean that it would be viewed as an imposing and visually incongruous item of street furniture. Moreover, due to its fairly large scale in comparison with most other items of nearby street furniture, and its proposed prominent positioning on a pedestrian route, it would serve to add visual clutter, thereby detracting from the existing street scene and making it feel less spacious.
10. The proposed 86-inch LCD screen on one side of the hub would be used to display commercial and community messaging and advertisements. Standalone LCD displays of a similar size to that proposed are not common in the immediate vicinity. Considering this, the screen would appear as an overly dominant and visually intrusive feature in this location which would detract from the amenity of the area. Although the brightness of the screen could be controlled by condition, the overall visual effect of the proposed hub would be particularly noticeable and harmful in the hours of darkness.
11. The Council's officer report notes that the appeal site is located close to the Central, Southernhay and the Friars and St David's Conservation Areas. The significance of these heritage assets predominantly arises from the manner in which they encompass a range of attractive buildings and spaces that reflect the evolution of the historic centre over a long period of time. Given the small-scale nature of the proposed development, and its location away from the buildings that predominantly give rise to the significance of these Conservation Areas, I am satisfied that their significance would be preserved.
12. Nevertheless, in respect of Appeal A, the proposal would harm the character and appearance of the area. In relation to Appeal B, the reasoning above applies equally with regards to the effect of the proposed advertisements on amenity. Thus, in relation to Appeal B, the proposal would have an unacceptable and harmful effect on amenity. As a result, both Appeal A and

Appeal B are in conflict with Objective 9 and Policy CP17 of the Exeter City Council Core Strategy, February 2012 (CS), and saved policies DG1 and DG8 of the Exeter Local Plan First Review, 1995 – 2011 (LP). Taken together, the relevant aspects of these policies seek to ensure that new development, including advertisements, is well designed and does not harm character and appearance. Both appeals also conflict with the relevant aspects of the National Planning Policy Framework (the Framework) which have similar aims. I do not find conflict with CS Objective 8 or paragraph 194 of the Framework, which collectively seek to preserve heritage assets.

### **Other Matters**

13. The proposed development would provide some public benefits in the form of free ultrafast Wi-Fi, free phone calls to landlines, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities. However, the limited scale of the proposal, and the fact that the public can already achieve these things in other ways, means that the benefits are very limited. The proposed hub would also incorporate a defibrillator. While these facilities are vital for public health, there are several existing defibrillators in the city centre area and so the provision of another only attracts limited weight.
14. In combination, the benefits do not outweigh the harm I have identified. I acknowledge that Section 10 of the Framework supports the provision of electronic communication infrastructure. However, when read as a whole, the Framework seeks to ensure that new development preserves character and appearance. I have set out why that would not be the case in this instance.

### **Conclusion**

15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. As a result, Appeal A is dismissed and Appeal B is also dismissed.

*C Butcher*

INSPECTOR