



Appeal Decisions

Site visit made on 27 October 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal A Ref: APP/W5780/W/23/3318443

Pavement opposite – 59-61 High Street, Wanstead, Redbridge, E11 2AE

- 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 JCDECAUX UK Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3962/22, dated 8 December 2022, was refused by notice dated 18 February 2023.
 - The development proposed is described as the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: APP/W5780/W/23/3318444

Pavement opposite - 59-61 High Street, Wanstead, Redbridge, E11 2AE

- 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 JCDECAUX UK Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3963/22, dated 8 December 2022, was refused by notice dated 18 February 2023.
 - The development proposed is described as the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. There are two appeals relating to the site, one against a refusal of planning permission and the other against a refusal of advertisement consent. They are intrinsically linked as one concerns a hub unit upon which, amongst other things, an advertisement would be displayed, and both raise similar issues. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.
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Main Issues

3. The main issues in respect of Appeal A are the effect of the proposal on:
 - The character and appearance of the Wanstead Village Conservation Area (CA), and
 - highway safety along George Lane with particular regard to pedestrian movement.
4. The main issue in respect of Appeal B is the effect of the proposed advertisement on the character, appearance and amenity of the CA.

Reasons

Character and appearance – both appeals

5. The appeal site is located on the eastern side of High Street, some 500 metres south-east of Snaresbrook Station. The eastern side of High Street is characterised by long parades of commercial premises with a mix of retail and other outlets. No 59-61 is a double shop unit with a forecourt. To the north of No 59-61 is a café/bakery and to the south is a launderette and a convenience store. The pavement here is wide and, from the pattern of paving, it would appear that each unit has a small forecourt between the shop fronts and the pavement itself.
6. The proposed hub would be sited to the rear of the pavement, and would be set in line with a range of items of existing street furniture further to the south, which it would effectively extend into an otherwise open area of pavement close to the junction of High Street with Grosvenor Road. It would be sited in close proximity to the forecourt of the café/bakery and would comprise a unit with a height of approximately 2.6 metres, a width of 1.3 metres, and with a side profile (including a canopy) measuring 0.9 metres. The communication element of the unit includes the projecting canopy and an integral defibrillator. The hub would be grey in colour and would include a number of sustainable design and operational features.
7. Policy LP26 of the LP indicates that the Council will require that development respects the local character of the area, makes a positive urban design contribution to its context and location, and has regard to and respect for the surrounding area, in terms of form, scale, materials, and design. Policy LP28 of the LP indicates that advertisements should respect the character and amenity of the surrounding area. In addition, the scale, colour, materials, illumination and siting of an advertisement should be appropriate to their location. Finally, the Council will resist advertisements that impede the visibility or distract the attention of pedestrians at any point where special care is needed.
8. Policy HC1 of the London Plan indicates that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the asset's significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Policy LP33 of the LP indicates that the Council will protect the Borough's heritage assets by resisting development that does not preserve or enhance the character of designated heritage assets unless the developer can demonstrate that the proposal achieves public benefit that outweighs any harm to the asset.

9. The prevailing character and appearance of the immediate surroundings is one of two- and three-storey buildings, most having modern shop fronts with one or two storeys of varying design and materials above. The adjoining Gails Bakery occupies the ground floor of a 3/4-storey corner building which is a prominent feature in the street scene.
10. In respect of both appeals, I note that the area of pavement in the immediate vicinity of the proposed hub is wide and that the hub would be set in line with a row of cycle racks and a bench a few metres to the south. Beyond the cycle racks is a public notice board, a waste bin and a modern communications hub. The existing hub would seem to be a somewhat more prominent replacement for an older telephone kiosk that appears in the plans/photographs submitted by the appellants. Insofar that the shop fronts in the vicinity are modern and mixed in design, I find that the design of the hub would not, in itself, conflict significantly with the appearance of the nearby modern shop fronts, and would not be harmful to the character or appearance of its immediate surroundings.
11. Notwithstanding the above, the proposed hub would extend the existing line of street furniture to the north, close to the forecourt of the café/bakery where there is outdoor covered seating. The hub would, on this basis, be a significant feature in a prominent position. Moreover, it would introduce an element of clutter into the otherwise largely open area of pavement in front of both the shop at No 59/61 and the café/bakery.
12. With regard to both appeals, therefore, I find that the proposed hub would be in a prominent position close to the significant road junctions of High Street with Grosvenor Road and Wanstead Place and would add a degree of clutter to the area. In the light of this, it would not make a positive urban design contribution to its context and location, and its siting would not be appropriate to its location. On this basis, it would be harmful to the character, appearance and visual amenity of the CA and would conflict with Policy HC1 of the London Plan and with Policies LP26, LP28 and LP33 of the LP.

Highway safety – both appeals

13. Policy T2 of the London Plan indicates that development proposals should be permeable by foot and cycle to connect to local walking and cycle networks as well as public transport. Policy LP22 of the Council's Local Plan (LP) indicates that development should support the delivery of a more sustainable and efficient transport network that encourages sustainable forms of transport.
14. As indicated above, the proposed hub would be prominent in its location on the pavement. In addition to extending the general clutter along this section of the pavement, it would also represent something of an obstruction to free pedestrian movement in the vicinity of the nearby shop/café outlets due, in particular, to its proximity to the seating area of the café/bakery. It would, therefore, be harmful to the character and amenity of the area, as well as highway safety, by way of restricting pedestrian movement. On this basis, it would be contrary to Policy T2 of the London Plan and to Policy LP22 of the LP. This conclusion is supported by the NPPF that states that the quality and character of places can suffer when advertisements are poorly sited.

Balance

17. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. In terms of the NPPF, the harm I have identified to the CA would be less than substantial. Paragraph 202 of the NPPF requires me to weigh this harm against the public benefits of the scheme.
18. The NPPF notes the importance of high-quality communications infrastructure and that the planning system should support such development, aiming to secure high quality and reliable digital infrastructure. However, I must balance this against the impact of the proposal on the character and appearance of the area, and I have identified harm in that regard.
15. I acknowledge that the proposed hub would provide some free services to the public, including a defibrillator. These services would provide a useful function to members of the public and as such are a benefit of this development. In addition, the appellants contend that the multifunction interactive screens could be used to promote Council initiatives, provide public information, to facilitate wayfinding, and contribute to the vitality and viability of the street. However, I am not persuaded that such services could not be provided in a less obtrusive way or location, and that the benefits would not, in this case, outweigh the harm identified.

Conclusion

15. The NPPF notes the importance of high-quality communications infrastructure and that the planning system should support such development. However, I must balance this against the acceptability of the character and appearance of the proposal, and also against its impact on highway safety, and I have identified some harm in both those regards.
16. For the reasons given above, and having considered local plan policies and all other material considerations, I conclude that Appeal A and Appeal B should be dismissed.

J D Westbrook

INSPECTOR