

Appeal Decision

Site visit made on 21 September 2023

by Martin Andrews MA(Planning) BSc (Econ) DipTP & DipTP (Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal A Ref: APP/K5030/H/22/3301301

Pavement o/s Pret A Manger, Old Change House, 128 Queen Victoria Street, London EC4V 4BY

- 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 BT Telecommunications plc against the decision of the City of London Council.
 - The application, Ref. 21/01052/FULL, dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The development proposed is the installation of 1 no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/K5030/H/22/3301302

Pavement o/s Pret A Manger, Old Change House, 128 Queen Victoria Street, London EC4V 4BY

- 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 BT Telecommunications plc against the decision of the City of London Council.
 - The application Ref. 21/01053/ADVT dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed the installation of 2 no. digital 75" display screens, one on each side of the Street Hub unit.
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Decision: Appeals A and B

1. The appeals are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for the proposed street hub. Appeal B is in respect of the refusal of advertisement consent for the LCD advert screens. I have dealt with the appeals on their individual merits, but as the advert screens are an integral part of the hub it is both convenient and appropriate to consider the appeals and their main issues together. In the case of Appeal B I have used the description on the Council's Notice of Refusal as it relates directly to the advertising as opposed to the development as a whole referred to on the application form.
 3. Paragraph 114 of the National Planning Policy Framework 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic
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communications networks. Paragraph 118 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system.

4. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of the City of London Local Plan and the London Plan cited by the Council in its Decision on the applications. These are Local Plan Policies CS2, CS10, CS12, DM10.1, DM10.4, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D8 and HC1.
5. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the more restrictive form of the development plan policies clearly necessitates a balanced decision. However, in my view it is the specifics of the site's characteristics and the extent to which the proposed equipment would be in keeping with its surroundings that are primarily the determinative factors in the appeals. In this context I have factored into the appraisal of the appeals my view firstly that the Street Hub is not in itself a poor design as the Council alleges and secondly that the benefit to the street scene of the associated removal of the existing kiosks is of material weight.

Main Issues

6. The main issues are (i) the effect of the proposed Street Hub and its advertising screens on visual amenity and the character and appearance of the area, including its designated Heritage Assets and (ii) the effect on public safety and convenience.

Reasons

7. On the first issue I saw on my visit that the site is at the southeast end of Old Change House and thereby also that part of the extensive frontage of Pret A Manger. The prominence of that frontage in the street scene is diminished by it being recessed between the brick pillars and this is helped with only a single projecting sign of a modest size. There is a similar arrangement at adjoining premises at the other end of Pret. And with Victoria Street being particularly wide at this point and including a line of semi-mature trees it does not have a particularly busy or overtly commercial ambience.
8. To a certain extent the size of the private cycle hire rack combined with the other street furniture and the wayfinder sign would reduce the prominence of the proposed Street Hub. However, in addition to the restrained character of the street scene as referred to above, the proximity of the site to the Grade I listed church of St Nicholas Cole Abbey is a significant consideration in this case.
9. In this regard I accept the Council's argument that with a distance of only 20m or thereabouts between the two sites, the presence of the Street Hub would be such that it would be impossible to appreciate the aesthetic merits and historic interest of the Abbey without at the same time seeing the Street Hub and its advertising display. Apart from the immediate foreground, the prominence of the Street Hub would also apply to longer views both east and west along the

street. I therefore agree with the Council's assessment that the proposed Street Hub would have a particularly harmful impact on the setting of this significant heritage asset causing a medium level of less than substantial harm.

10. Furthermore, with the Street Hub positioned at the outside edge of a wide pavement on a wide stretch of road, the equipment and in particular the advertising would be visually intrusive in a street scene currently without prominent advertising.
11. On the second issue, the Council considers that the proposed Street Hub would cause an obstruction to the public highway. However, the pavement is wide, and the Street Hub would essentially line in with the cycle racks, albeit slightly wider. The indications from my assessment of the site and its surroundings are that it is unlikely that there would be heavy pedestrian usage of the pavement in this location to the extent that it would become noticeably 'crowded'. I therefore consider that obstruction to movement would, if any, be modest.
12. I have had regard to the appellant's arguments in the grounds of appeal but these do not alter my conclusion that notwithstanding my favourable opinion for the appellant on the second issue, the appeal proposal would be unacceptable because its adverse impact on visual amenity and the character and appearance of the area, including St Nicholas Cole Abbey as a designated Heritage Asset of notable significance.

Conclusion

13. For the reasons explained above and having had regard to all other matters raised Appeals A and B are dismissed.

Martin Andrews

INSPECTOR