

Appeal Decision

Site visits 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/W/22/3301239

Pavement o/s Aldgate House, 33 Aldgate High Street, London EC3N 1DL

- 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 British Telecommunications plc, against the decision of the City of London Council.
 - The application, Ref. 21/01060/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 kiosks.
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Appeal B Ref: APP/K5030/H/22/3301240

Pavement o/s Aldgate House, 33 Aldgate High Street, London EC3N 1DL

- 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 British Telecommunications plc, against the decision of the City of London Council.
 - The application Ref. 21/01061/ADVT dated 30 November 2021, was refused by notice dated 25 May 2022.
 - The advertisement proposed is the installation of 2 no. 75" LCD display screens, one on each side of the Hub Unit.
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Decisions: 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 screen. 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 communications networks.
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4. 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. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of City of London Local Plan and the London Plan cited by the Council in its Decision on the application. These are Local Plan Policies CS2, CS10, CS16, DM10.1, DM10.4, DM10.4, DM10.6, DM10.8, DM12.1, DM12.2, DM15.7, DM16.2 and London Plan Policies D4, D8, HC1 & T2.
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 appeal. 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 and (ii) the effect on public safety and convenience.

Reasons

7. On the first issue, the Council's objection is that the proposed Street Hub would have an unduly prominent visual impact and thereby detract from the townscape by adding visual clutter to the townscape by adding clutter to the street scene.
8. I saw on my visit that the appeal site is close to an entrance to Aldgate underground station but at a distance where the character and appearance of the street scene is noticeably different from the immediate environs of the tube entrance. In contrast to the variety of shops and cafes on both sides of the road close to this entrance, the street scene changes to a quieter character with building frontages that are more extensive and with less activity in terms of pedestrians, with Aldgate House being a case in point.
9. The pavement width remains the same between the two locations but instead of the considerable clutter nearer the tube, including a cycle rack, bollards, the underground sign and entrance itself, other poles, traffic lights and a wayfinder sign, the length of pavement where the Street Hub is proposed is entirely free of clutter other than a bus stop sign.
10. By positioning the Street Hub a couple of trees distance beyond the cycle rack the proposal would introduce a discordant feature, exacerbated by the advertisement displays, in an area that provides a pleasing contrast with the more intensive uses and cluttered street scene near the tube station. The relative emptiness of the wide pavement and the amenity of the street trees

alongside Aldgate House and beyond gives emphasis to the difference in character.

11. I acknowledge that Aldgate House itself is 'a modern-styled commercial building' against which the Street Hub would be in keeping in views from the other side of the road. However, in this instance I consider that it is appropriate to give greater weight to the pleasing contrast in character in the street scene northeast of Aldgate underground station.
12. On the second issue, the Council refers to the proposed Street Hub impeding pedestrian flow, but on a wide pavement and aligned with existing trees I consider that this assessment has little or no merit. Nor do I accept the point made by TfL that the Street Hub would be in sufficient proximity to the junction with the A11 to serve as a potentially dangerous distraction for drivers.
13. Overall, whilst I do not support the Council's argument on the second issue of an adverse effect on public safety and convenience, this does not outweigh the harm that would be caused as regards the first issue, the effect on visual amenity and the character and appearance of the street scene.
14. I have also taken into account the benefit to the setting of the listed St Botolph's Church from the proposed removal of the existing BT kiosk as part of the appeal proposal. This weighs in the appellant's favour but insufficiently for me to allow the appeals. There may well be other proposals in which this removal can be proposed as part of the application.
15. In summary, I find that on balance the proposed Street Hub would be in harmful conflict with the local and national policies referred to in paragraph 4 of this Decision.

Conclusion

16. For the reasons set out above and having had regard to all other matters raised, Appeals A and B are dismissed.

Martin Andrews

INSPECTOR