



Appeal Decisions

Site visit made on 18 October 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH November 2023

Appeal A Ref: APP/E5330/W/22/3307430

Opposite Boots, 12-16 Hare Street, London SE18 6NB

- 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 James Brown, BT Telecommunications Plc against the decision of the Council of the Royal London Borough of Greenwich.
 - The application Ref: 22/1841/F dated 20 May 2022, was refused by notice dated 15 August 2022.
 - The development proposed is the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks.
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Appeal B Ref: APP/E5330/H/22/3307431

Opposite Boots, 12-16 Hare Street, London SE18 6NB

- 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 James Brown, BT Telecommunications Plc against the decision of the Council of the Royal London Borough of Greenwich.
 - The application Ref: 22/1842/A dated 20 May 2022, was refused by notice dated 15 August 2022.
 - The advertisement proposed is the installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosks.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. I have considered Appeal A and Appeal B on their own individual merits. However, as the communications hub and advertisement are linked, I have dealt with them together to avoid duplication.
4. I have had regard to the duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, when determining proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest.
6. Whilst not decisive, I have taken relevant development plan policies into account as a material consideration.

Main Issues

7. The main issues in Appeal A are whether the proposal would conserve or enhance the character or appearance of the Woolwich Conservation Area, the effect on highway and pedestrian safety, and whether the proposal would constitute piecemeal development having regard to the area Masterplan. The main issues in Appeal B are the effect of the proposal on amenity and public safety.

Reasons (Appeals A & B)

Effect on character and appearance

8. Hare Street is a one-way street, lined by modern stores and shops. There are two bus shelters and bus parking bays on the opposite side of Hare Street from the appeal site. Street furniture in the vicinity of the proposed site includes an equipment cabinet, CCTV pole, bollards, a litter bin, street trees and ornate lamp standards. The site is within the Woolwich Conservation Area, which is characterised by older buildings in a range of uses and dating from Georgian and Victorian times. These include the former premises of F W Woolworth at 18-28 Hare Street which is categorised as a non-designated heritage asset.
9. The hub would measure around 2.980 m in height by 1.236 m in width and 0.350 m in depth. There would be a digital LCD display screen at each side of the unit measuring around 1.67 m by 0.95 m. It would appear prominent in the footway and would add unduly to the clutter of street furniture in its vicinity because of its height and scale. The large, illuminated screens and static changing images would add to the visual impact of the hub in the street scene and to the advertisements on the existing bus shelters. It would be detrimental to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the conservation area. However, in view of the limited scale of the proposal the amount of harm arising would be less than substantial.
10. Paragraph 202 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have considered this matter at paragraphs 15-16 below.

Effect on Highway and public safety

11. Hare Street has a 20-mph speed limit and is described by the Council as 'semi-pedestrianised' with the type of traffic being limited to buses, taxis, and drivers with disability for part of the day. It is a busy shopping location with several bus stops on

the opposite side of the road from the appeal site. The hub would be located near an equipment cabinet and CCTV pole. This could create a 'pinch point' for pedestrians who may decide to walk within the road carriageway at times of high footfall to avoid waiting for others passing the hub on the pavement. The scale of the hub and its location at a right angle to the kerb line could also result in an accident involving vehicles or cyclists should pedestrians emerge from behind the hub to cross the road to reach the bus stops or other shops. I note the evidence from the Manual for Streets that even at a speed of 20 mph a driver would require a stopping distance of around 25 m, should someone step into the road unexpectedly. The illuminated display could also distract approaching drivers when pedestrians were crossing Hare Street and when buses are pulling out to leave their parking area.

12. The appellant submits that street hubs and other similar kiosk units have been deployed throughout London over the course of the last 5 years without any known incident that can be directly attributed to their presence. In addition, the row of trees near the site would prevent the hub from being an isolated feature that would affect driver concentration. However, neither of these matters would be sufficient to prevent the harm that I have identified.
13. The appellant refers to a hub allowed in Manchester outside a store which would have a high footfall. Reference is also made to an appeal allowed in Liverpool, ref: APP/Z4310/W/18/3205104 and 3205102 in which an Inspector noted that he had no details or evidence that the shared use of a road space presented any highway safety issues. Images have also been submitted which include existing hubs at Tottenham Court Road. However, whilst I have had regard to these matters, in the appeal before me I have based the decision upon the appeal submissions and the observations at my site inspection regarding vehicle and pedestrian movement, and visibility at the appeal site. I find, therefore that the proposal would have a significant adverse effect on pedestrian and highway safety.

Whether piecemeal development

14. The council considers that the proposal would constitute piecemeal development within a wider Masterplan location. I am advised that the Masterplan identifies Woolwich town centre for public realm improvements in the medium term and there are public realm proposals for Beresford Square and Powis Street. Despite this I have been referred to no imminent proposals for Hare Street. Therefore, I consider that any conflict with the Masterplan at present would be insignificant reason on its own to warrant dismissal of this appeal.

The planning balance

15. The appellant advises that the proposed street hub is an award-winning and well-designed feature that aims to replace existing BT kiosks that no longer positively, contribute to the aesthetic of the public realm, and is inclusive. The hub would offer small cell 5G coverage with in-built equipment, providing access to free Wi-Fi and cellular services that are essential to modern wayfinding. It is contended that it would help encourage greater access to public transport and a sense of safety through the provision of fast digital connectivity, including information for pedestrians and cyclists about the availability of safe routes and their distance. The appellant submits that the hub would encourage sustainable travel and contribute to, and support, the local economy. The hub has been designed to avoid anti-social behaviour with easy access for contacting emergency services and charging facilities

to ensure that people would always be able to use their device. It can also act as a platform for interactive technologies such as air quality monitoring. The appellant considers that the proposed hub would comply with Transport for London policy for digital roadside advertising and would meet with the Institute of Lighting Professionals guidance.

16. The appellant has offered to remove two existing BT payphones from the pavement outside Frances Street and Wellington Street. However, neither of these are particularly prominent nor, because of their distance from the appeal site their removal would not improve the visual amenity of Hare Street. Even acknowledging the support in the Framework for high quality communications, the public benefits from the proposed hub and removal of the two existing kiosks would not outweigh the less than substantial harm from the proposal to the character and appearance of the Woolwich conservation area and the potential harm to highway and pedestrian safety.

Conclusions

17. With regard to Appeal A, for the reasons given above, the hub would have a significant harmful effect on the character and appearance of the area, and Woolwich conservation area. It would also present a potential risk to the safety of pedestrians and cyclists. It would therefore fail to comply with policies D3 and HC1 of the London Plan and policies DH1, DH3 and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies regarding design and conservation and the Woolwich Conservation Area Character Appraisal. It would conflict with policies T2 and T4 of the London Plan and policies IM(a) and IM(b) of the Core Strategy in respect of transport impacts and walking and cycling safety. It would also conflict with the provisions of the Framework insofar as they seek to ensure places that are safe, secure, and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
18. With regard to Appeal B, for the reasons given above, the advertisement would unduly harm the amenity of the area and would have a significant adverse effect on public safety.
19. For the reasons given above, both Appeal A and Appeal B are dismissed.

Martin H Seddon

INSPECTOR