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## Appeal Decisions

Site visit made on 21 November 2023

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2023

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### **Appeal A Ref: APP/G3110/W/23/3317212 Pavement outside 20 Queen Street, Oxford OX1 1EP**

- 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 JC Decaux UK Ltd against the decision of Oxford City Council.
  - The application Ref 22/02435/FUL, dated 10 October 2022, was refused by notice dated 13 January 2023.
  - The development proposed is described as the installation of a multifunction hub unit featuring an integral advertisement display and defibrillator.
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### **Appeal B Ref: APP/G3110/H/23/3317213 Pavement outside 20 Queen Street, Oxford OX1 1EP**

- 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 JC Decaux UK Ltd against the decision of Oxford City Council.
  - The application Ref 22/02436/ADV, dated 10 October 2022, was refused by notice dated 13 January 2023.
  - The development proposed is described as the installation of a multifunction hub unit featuring an integral advertisement display and defibrillator.
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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 Central Conservation Area (CA), and
  - Highway safety along Queen Street 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 southern side of Queen Street. Queen Street is a busy pedestrianised shopping street running east-west in the centre of Oxford. From signage at the end of the road, it would appear that motor cars are prohibited, whilst cycling is only allowed at certain times. The road is, however, also a very busy bus route. The appeal site is located towards the western end of Queen Street, close to Bonn Square and the junction of Queen Street with Saint Ebbe's Street.
6. The proposed hub would comprise a unit with a height of around 2.6 metres, a width of 1.3 metres, and a side profile (with 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 DH1 of the Council's adopted Local Plan 2036 (LP) indicates that planning permission will only be granted for development of high-quality design that creates or enhances local distinctiveness. Policy DH3 indicates that planning permission will be granted for development affecting a designated heritage asset that responds positively to the significance, character and distinctiveness of the asset and the locality. It goes on to state that great weight will be given to the setting of the asset where it contributes to its significance. Policy DH6 indicates that advertisement consent will only be granted for forms of advertisement where the design, positioning, materials, colour, proportion and illumination are not detrimental to assets with heritage significance or visual amenity, including where visual clutter is avoided.
8. The Council contends that the proposed hub, by virtue of its siting, scale, materials, digital display, illumination and overall design and appearance would result in a harmful and discordant feature that would be an unduly prominent and dominant commercial display that would detract from the visual amenity of the area. The proposal would introduce a visually incongruous addition and unacceptable amount of clutter to the street scene and the public realm. In addition, the hub, due to its siting, scale, size, and overall design and appearance, would appear an excessively large, incongruous and visually obtrusive feature, which would detract from the special interest, character and appearance of the Central Conservation Area, and the settings of Bonn Square and the grade II listed Tirah Memorial. Finally, as well as adding to the level of street clutter in this location, it would have a detrimental impact on pedestrian mobility and safety in an area of heavy footfall.

9. The appellants contend that the proposal, as part of a network of hubs, has been carefully designed in terms of unit location and distribution across the city, to ensure that it integrates successfully into the urban fabric. Moreover, they note that the context of the appeal site is a typical commercial centre with many retail properties lining the streets and providing the scale of the surroundings. While it is identified that the site lies within a conservation area and near identified Listed Buildings, the surrounding buildings style and design are typical of a commercial high street.
10. As part of the Oxford Historic Urban Character Assessment (UCA), Queen Street lies within the Historic Urban Character Area 16 of the city centre commercial core. The document notes that along Queen Street a small number of 19th century buildings and facades give the street some time depth and character. The modern buildings have to some extent attempted to reflect the patterns of earlier buildings and gable designs. I note that most of the historical and/or visual character of Queen Street is created by the upper floors of the buildings on the northern side of the street. The southern side comprises mainly plain-fronted, modern buildings, although No 20 retains the upper floor façade of a 1930's building which, to a certain extent, mirrors the upper floor appearance of most of the buildings on the opposite side of the street.
11. The Oxford City Centre Street Scene Manual (SSC) states that the design and management of streets in Oxford city centre will prioritise the needs of pedestrians. All new street furniture should be placed in such a way as to avoid creating hazards or obstructing the movement of pedestrians. With all elements in the street scene, including advertising and telephone kiosks, it is important that they are sited in appropriate locations. As well as functional convenience, factors such as visual impact, potential obstruction and safety should be considered. Finally, street furniture must be limited to essential items such as seating and cycle parking and should be located in a way that minimises its visual impact and obstruction of pedestrian flows.
12. In respect of both appeals, I note that the shop fronts in the immediate vicinity are modern and mixed in design. In particular, the modern two-storey Costa Coffee building, immediately opposite the appeal site, and which would be seen in conjunction with the proposed hub, is a wholly incongruous building in terms of both scale and design. On that basis, I find that the design of the hub would not, in itself, conflict significantly with the appearance of the modern shop fronts close to the appeal site. In addition, the nearby Listed Buildings in and around Bonn Square are sited to the northern half of the square, such that they are not readily visible from the appeal site. I do not consider that the proposed hub would be harmful to the setting of the Listed Buildings, particularly as the modern Westgate centre, west of the appeal site, effectively forms the southern side of Bonn Square and is a major part of the setting.
13. Nevertheless, the pedestrian streets in the commercial centre of Oxford, including Queen Street are characterised by limited street furniture. What street furniture that there is generally complies with the requirements of the SSC, and I note that along Queen Street, street furniture is limited to low-level features such cycle racks, seats and bins. By virtue of its height, design and prominence the hub would be harmful to the character and appearance of the

street, and it would, on the basis of its scale and prominence, introduce an element of clutter into the otherwise largely open pedestrian street and appear out of scale with the other low-level and low-key items of street furniture.

14. With regard to both appeals, therefore, I find that the proposed hub would be in a prominent position, and it would add a degree of visual clutter to the area. It would be a prominent feature with a siting and scale that would be harmful to the character and appearance of the pedestrianised street. In the light of this, it would not create or enhance local distinctiveness, nor would it respond positively to the significance, character and distinctiveness of the heritage asset and the surrounding locality. On this basis, it would be harmful to the character, appearance and visual amenity of the CA, and would conflict with Policies DH1, DH3 and DH6 of the LP as well as with guidance in the SSC.

#### *Highway safety – both appeals*

15. Policy M1 of the LP promotes walking in the city and improvements to the pedestrian environment. Amongst other things, proposals should ensure that the urban environment is permeable and safe to walk through and ensure that footways are sufficiently wide to accommodate the level of use.
16. Queen Street is a relatively wide, pedestrianised street. It is heavily used by pedestrians and has a foodscape which demarcates pavements from the central part of the road. The limited existing street furniture is low-level and sited within the pavement element, close to the central roadway. The proposed hub would be sited in line with existing nearby cycle-racks on the pavement. Although this is a pedestrianised street, the central portion of the roadway is heavily used by buses, such that pedestrians are largely required to use the pavements, and only use the roadway when exercising great care. On this basis, by virtue of its scale and siting, the hub would represent an obstruction to pedestrians, which would be exacerbated by its position almost directly outside the wide double entrance of the large store space at No 20, albeit the store is currently unoccupied.
17. In the light of the above, the hub would add a degree of clutter to this section of the pavement and would represent an obstruction to free pedestrian movement along the street. In this regard, it would, therefore, be harmful to highway safety. On this basis, it would be contrary to Policy M1 of the LP and would conflict with Paragraph 136 of the National Planning Policy Framework (NPPF) which 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 also 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.
18. 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 scale and appearance of the proposal on the visual amenity of the area, and also against its impact on highway safety. In this case, I consider that the proposed hub would be harmful to the character and appearance of Queen Street and the wider CA, and I have also identified harm to highway safety.
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