



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: 14 December 2023

Appeal A Ref: APP/G3110/W/23/3317217

Pavement outside 23/38 Hythe Bridge Street Oxford OX1 2EP

- 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 22/02439/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/23/3317218

Pavement outside 23/38 Hythe Bridge Street Oxford OX1 2EP

- 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 22/02440/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 area around Hythe Bridge Street, and
 - Highway safety along Hythe Bridge 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 visual amenity of the area around Hythe Bridge Street.

Reasons

Character and appearance – both appeals

5. The appeal site is located on the northern side of Hythe Bridge Street. Hythe Bridge Street is a busy road running east-west between Oxford Station and the commercial centre of Oxford. The appeal site is located on the pavement towards the western end of Hythe Bridge Street, outside of No 23-38, (otherwise known as Beaver House), which is a large modern building used for a range of university purposes, and which has a fully glazed front elevation with an overhang at first-floor level and above.
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. Policy DH5 states that planning permission will only be granted for development affecting a local heritage asset or its setting if it is demonstrated that due regard has been given to the impact on the asset's significance and its setting, and that it is demonstrated that the significance of the asset and its conservation has informed the design of the proposed development.
8. Policy DH6 of the LP 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.
9. 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 setting of the Central Conservation Area generally and in particular the Locally Listed Heritage Asset (LLHA) known as the Former Boatman's Chapel. 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.

10. 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 an identified building of local historic importance, the surrounding buildings style and design are typical of a commercial street.
11. The Oxford City Centre Street Scene Manual (SSM) 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 appeal site is on the pavement outside of Beaver House. Beaver House is a very large, modern glass-fronted building. It has an overhang at first-floor level which covers much of the area that would appear otherwise to be part of a wide pavement on the northern side of the road. On the opposite side of the road is a row of unprepossessing, two- and three-storey commercial buildings with some modern shop windows within the units directly across from the appeal site. On this basis, I find that the design of the hub would not, in itself, conflict significantly with the appearance of the modern shop and office frontages close to the appeal site on both sides of the road.
13. I note that the appeal site is outside of the boundary of the Central Conservation Area (CA). In addition, the nearby LLHA, the Former Boatman's Chapel, is some distance east of the appeal site and would not be readily seen either from the site or in the same context as the site. For these reasons, I do not consider that the proposed hub would be harmful to the setting of either the CA or the LLHA, both of which relate significantly more closely to that part of the historic centre which lies across the Thames Canal to the east. On this basis, it would not harm the heritage assets in the vicinity and would not conflict with Policies DH3 or DH5 of the LP.
14. Nevertheless, Hythe Bridge Street is characterised by limited street furniture. What street furniture that there is, generally complies with the requirements of the SSM, and I note that along the street only a few low-level features such as cycle racks and bins are evident. 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 character along the road, appearing out of scale with the other limited low-level and low-key items of street furniture.

15. 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 street. In the light of this, it would not create or enhance local distinctiveness, nor would it respond positively to the character of the surrounding locality. It would, on this basis, be harmful to the character, appearance and visual amenity of the area, and would conflict with Policies DH1 and DH6 of the LP, as well as with guidance in the SSM.

Highway safety – both appeals

16. 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.
17. From the information before me, it would appear that the area beneath the overhang of Beaver House is private land used for pedestrian movement on a permissive basis only. That remaining part of the open area in front of Beaver House which represents public highway is very narrow and reflects the generally narrow nature of the pavements along the rest of Hythe Bridge Road on both sides. The County Council contends that the proposed location of the street hub is, therefore, unacceptable, as only part of the footpath is classed as public highway. The width of the footway classed as public highway would need to be preserved at its existing width of around 1.5 metres, in order to ensure that the footway can be safely accessed by all users, regardless of any future development which could occur in the footway controlled by private ownership. I note that steps and a ramped entrance into Beaver House already occupy all of the land to the rear of the pavement close to the proposed site of the hub, and I concur with the view of the County Council.
18. 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 addition, insofar that it would appear to abut or even encroach slightly onto private land beyond the rear of the designated pavement, it would leave little or no room for pedestrians to pass safely in the event of further development beneath the canopy of Beaver House. 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.

Other Matter

19. The Council contends that the application fails to provide sufficient information relating to the hub's location within flood zone 2 and its safe operation in a flood event. Moreover, there is no submission of flood data or modelled levels

and no other reason or justification in regards to flooding. However, I note from the appellants' Appeal Statement that the design of the hub would include a number of safety measures with regard to its operation and shut down procedures in the event of incursion by water. From the information before me, it would appear that the hub would be safe and have no live connections in the case of the unit becoming fully immersed in water. Accordingly, I do not consider that the hub would conflict with Policy RE3 of the LP which relates to Flood Risk Management.

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 Hythe Bridge Street, and I have also identified harm to highway safety by way of obstruction to pedestrian permeability, particularly in the event that the private land beneath the canopy of Beaver House were to be developed in some way in the future.
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