



Appeal Decision

Site visit made on 13 November 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal A Ref: APP/A5270/W/23/3320302

Pavement opposite 14 New Broadway, London W5 2XA

- 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref 230236FUL dated 19 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is installation of freestanding Communication Hub with integrated touch screen; and advertising LCD.
-

Appeal B Ref: APP/A5270/H/23/3320303

Pavement opposite 14 New Broadway, London W5 2XA

- 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 against JCDecaux UK Limited the Council of the London Borough of Ealing.
 - The application Ref 230237ADV, dated 19 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is installation of freestanding Communication Hub with integrated touch screen; and advertising LCD.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. There are two appeals at the site. Appeal A relates to the refusal of planning permission, while Appeal B is against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. Therefore, to avoid repetition, I have detailed the findings under a single reasoning section. Notwithstanding this, I confirm that I have determined each appeal separately and on their own merits in accordance with the respective processes and requirements that I am required to undertake.

4. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the description accurately describes the appeal schemes and accordingly I have adopted an amended description in the heading above.
5. Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

6. The main issue in Appeal A is the effect on the proposal on the character and appearance of the Ealing Town Centre Conservation Area.
7. The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons (Appeals A and B)

8. The proposed development would occupy a prominent position next to a busy road, New Broadway within the Ealing Town Centre Conservation Area, which has a strong retail and commercial character with a wide range of buildings. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
9. The new addition would be modern in style including a defibrillator and telephone on one side with illuminated display. On the other side would be an illuminated digital screen on which advertisements would be displayed. The new hub would be located within a commercial section of New Broadway that includes street lighting columns, phone boxes, signage, bus stops, utility cabinets, cycle stands and trees set within the wide pavement. The location of the proposed development would also be close to an area of open space, and residential properties, Dickens Yard. The context of the site is, therefore, urban and commercial within which both roadside features and advertisements are not uncommon features.
10. Many of the existing pavement structures in the immediate area are centralised and screened to a degree by mature street trees. I observed during my site visit that a young tree exists within the area identified for the proposed hub. From the plans submitted the tree would be removed to accommodate the new hub. Centralised street trees are a typical feature within the immediate area and form part of the character of the streetscene. Whilst there are existing pavement structures within the area, the screening of these by trees limits the visual effect.
11. The Ealing Town Centre Conservation Area Management Plan 2007 identifies that street clutter is a threat to the Conservation Area. The Transport for London: Streetscape Guidance 2022 advocates minimising cluttering footways with unnecessary furniture and merging or combining street furniture components on a single post where practical to further reduce clutter.
12. The proposed development would add to the physical clutter within the pavement, notwithstanding the partial screening afforded to the existing

structures by street trees. Nevertheless, due to its design, and illuminated LCD display screens, cumulatively this would have a conspicuous appearance in this relatively open part of the streetscene. Consequently, the proposed hub would have a degree of prominence in the streetscene, and in combination with the existing street furniture and advertisements, would result in a proliferation of roadside structures and advertisements which would add visual clutter to the site and detract from the amenity of the area.

13. For the reasons given, I find that the proposed hub and advertisement would create visual clutter in the local street scene detracting from, and so failing to preserve or enhance, the character and appearance of the Ealing Town Centre Conservation Area, harming the visual amenity of the area.
14. There is conflict Policies D3, D4, D8, and HC1 of the London Plan (2021), Policies 7.4, 7B and 7C of the Ealing Development Management DPD (2013), and Central Ealing Neighbourhood Plan 2017-2026 which amongst other things seek to ensure developments deliver good design, complimenting an area, make a positive contribution to the conservation area and do not introduce unnecessary street furniture.
15. There is conflict with the Framework which seeks to protect the quality and character of places from poorly sited and designed advertisements and seeks to ensure that the historic environment is protected.
16. The public benefits of the appeal scheme, which mainly relate to the provision of a defibrillator and use of renewable energy technology is insufficient to outweigh the harm that I have identified.
17. The Council contend in the reason for refusal that the proposed development is contrary to Policy T4 of the London Plan, which relates to assessing and mitigating transport impact. I disagree, the proposed development complies with Policy T4 as it does not negatively impact on the transport network.

Conclusion

18. For the above reasons, both Appeal A and Appeal B are dismissed.

C Pipe

INSPECTOR