



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/23/3320308

Pavement Outside Maytrees Rest Garden, South Ealing Road, Ealing W5 4QT

- 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 230229FUL 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 panel.
-

Appeal B Ref: APP/A5270/H/23/3320309

Pavement Outside Maytrees Rest Garden, South Ealing Road, Ealing W5 4QT

- 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 230230ADV, 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 panel.
-

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 scheme and accordingly I have adopted an amended description in the heading above.
5. The address of the proposed development has been altered from the application form, I note that the Appellant has amended the address on the appeal form and from the information before me I consider the revised address accurately describes the location of the proposed development. Accordingly, I have adopted an amended address in the heading above.
6. 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

7. The main issues in both appeals relate to (i) the effect on the proposal on the character and appearance of area; and (ii) highway and public safety.

Reasons (Appeals A and B)

Character and Appearance

8. The site is located adjacent public open space, known as Maytrees Rest Gardens, the pavement is very wide at this location. 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.
9. The existing pavement structures in the immediate area are located predominantly within a stretch of pavement between the existing street trees. Street furniture also exists along the edge of the pavement aligning with the railings of Maytree Rest Gardens and along the edge of the pavement adjacent South Ealing Road. The proposed development would be located adjacent the road.
10. The proposed development would add to the physical clutter within this area. Due to its design and location adjacent the public open space, permanently illuminated, LCD display screens, and the varying locations of the existing street furniture along this short stretch of pavement cumulatively this would have a conspicuous appearance. Consequently, the proposed hub would have a degree of prominence in the street scene which would detract from the character and appearance of the area.
11. The proposed hub and advertisement would create visual clutter in the local street scene which would harm the character and appearance of the area.
12. I conclude that the development would harm the character and appearance of the area. There is conflict with Policies D3, D4 and D8 of the London Plan (2021), Policies 7.4, 7A, and 7B of the Ealing Development Management DPD (2013), and The Transport for London: Streetscape Guidance 2022 which

amongst other things seek to ensure developments deliver good design and compliment an area, and do not introduce unnecessary street furniture.

13. There is conflict with the Framework which seeks to ensure good design and protect the quality and character of places from poorly sited and designed advertisements.

Highway and Public Safety

14. The proposed development would draw the eye of drivers travelling in both directions on South Ealing Road.
15. The Transport for London: Streetscape Guidance 2022 confirms that new telephone boxes should not be installed if doing so would create an obstruction which could pose a safety hazard i.e. at the front of a kerb in close proximity to a junction or side road.
16. The location of the proposed development is opposite a junction with Dorset Road, adjacent a dropped kerb to access the adjacent Maytrees Rest Gardens, and close to a service station and access to a car parking area. Due to the locations of the nearby access/egress to/from South Ealing Road and the position of the communication hub close to the kerb, the proposed development would obstruct, to a degree, sight-lines which would impact on highway users.
17. The Council contend that the proposed development would result in inadequate unobstructed footway width for pedestrian movement. The proposed development would be in a similar location to other street furniture along this stretch of pavement, due to the retained width of the footpath the proposed development would not impede the free flow of pedestrian movement.
18. Notwithstanding this I find that the proposed advert and communication hub in general would harm highway and public safety. The proposed development is contrary to Policy T4 of the London Plan, which seeks amongst other things to ensure that developments do not increase road danger.
19. There is also conflict with the Framework which seeks to ensure developments have an acceptable impact on highway safety and places are protected from poorly sited advertisements.

Conclusion

20. 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.
21. For the above reasons, both Appeal A and Appeal B are dismissed.

C Pipe

INSPECTOR