



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/23/3320296

Pavement opposite 14-16 Uxbridge Road London W5 2HL

- 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 230238FUL 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.
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Appeal B Ref: APP/A5270/H/23/3320298

Pavement opposite 14-16 Uxbridge Road London W5 2HL

- 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 230239ADV, 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.
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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. Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework).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 area and the adjacent heritage asset.
7. The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons (Appeals A and B)

8. The site is close to New Broadway Ealing Town Hall which is a Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses.
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.
10. The new hub would be located within a commercial section of Uxbridge Road adjacent Ealing Council Offices. Whilst there are centralised street trees, the proposed development would be located to the edge of the wide pavement next to the busy road, and in line with the nearby bus stop and streetlight columns.
11. The Council contend that the proposed location of the development would conflict with planning permission granted for short stay bike hangers. Limited details have been provided with regard to the approved development.
12. 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.
13. Ealing Town Hall is a neo-Gothic building with a imposing façade facing New Broadway, its design and materials are a prominent addition to the streetscene. Whilst street trees screen to a degree the building, the relatively uninterrupted vista due to the limited street furniture in the immediate area adds to the setting of the building.
14. Due to its design, and permanently illuminated, LCD display screens, cumulatively the proposed development would have a conspicuous appearance which would be viewed in the context of the adjacent Listed Building diminishing the setting of Ealing Town Hall.

15. For the reasons given, the proposed hub and advertisement would create visual clutter in the local street scene harming the adjacent heritage asset.
16. I conclude that the development would harm the character and appearance of the area and adjacent heritage asset. There is conflict Policies D3, D4, D8, and HC1 of the London Plan (2021), Policies 7.4, 7A, 7B and 7C of the Ealing Development Management DPD (2013), Ealing Town Centre Management Plan 2007 and Central Ealing Neighbourhood Plan 2017-2026 which amongst other things seek to ensure developments deliver good design which compliment an area, preserves the setting of Listed Buildings and do not introduce unnecessary street furniture.
17. 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.
18. The public benefits of the appeal scheme, which mainly relate to the provision of a defibrillator is insufficient to outweigh the harm that I have identified.
19. The Council contend that the proposed development is contrary to Policy T4 of the London Plan, which relates to assessing and mitigating transport impact. The proposed development complies with Policy T4 as it does not negatively impact on the transport network.

Conclusion

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

C Pipe

INSPECTOR