



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/23/3320284

Opposite 12 Broadway, London W13 0SR

- 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 230227FUL 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/23/3320289

Opposite 12 Broadway, London W13 0SR

- 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 230228ADV, 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 Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework).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 pedestrian movement.
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 located on the northern side of Broadway adjacent public open space, known as Dean Gardens. 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. Many of the existing pavement structures in the immediate area are located along the edge of the pavement aligning with the railings of Dean Gardens. The proposed development would be located adjacent the road, creating a prominent feature in the streetscene which would add physical clutter within the pavement.
10. Due to its design, and permanently illuminated, LCD display screens, cumulatively this would have a conspicuous appearance which would be viewed in the context of the adjacent public open space. Consequently, the proposed hub would have a greater degree of prominence in the street scene than the existing street furniture which would detract from the character and appearance of the area.
11. For the reasons given, the proposed hub and advertisement would create visual clutter in the local street scene detracting from the visual amenity of the area.
12. The Council contend that the proposed development would result in inadequate unobstructed footway width for pedestrian movement. Whilst the proposed development would not be in line with the existing street furniture, nonetheless due to the retained width of the footpath the proposed development would not impede the free flow of pedestrian movement.
13. Notwithstanding this I conclude that the development would harm the character and appearance of the area and visual amenity. There is conflict 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.

14. 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.
15. 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.

Conclusion

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

C Pipe

INSPECTOR