
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/23/3320294

Pavement Outside 1 Culmington Parade, Uxbridge Road, London W13 9BD

- 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 230240FUL 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/23/3320295

Pavement Outside 1 Culmington Parade, Uxbridge Road, London W13 9BD

- 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 230241ADV, 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 Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework).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 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

7. The site is located close to the junction of Uxbridge Road and Culmington Road, 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.
8. The new hub would be located within a commercial section of Uxbridge Road. There are other forms of street furniture within the area, utility cabinets, a refuse bin, signage and streetlights close to the pavement edge adjacent Uxbridge Road. Telephone kiosks and cycle stands are centralised between street trees.
9. The proposed development would add to the physical clutter within this short stretch of pavement. Due to its design and location close to the busy junction, and permanently illuminated, LCD display screens, cumulatively this would have a conspicuous appearance.
10. The proposed hub and advertisement would create visual clutter in the local street scene which would harm the character and appearance of the area.
11. 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.
12. 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

13. The proposed development would draw the eye of drivers travelling in both directions on Uxbridge Road close to a busy junction. There are other forms of street furniture within the immediate area, however the larger elements i.e., telephone kiosks are located between centralised street trees.

14. The proposed development would be likely to distract drivers which could impact on users of this junction. Due to the proposed location the communication hub would obstruct, to a degree, sight-lines of drivers approaching the junction from Culmington Road. Added to this, drivers may not be familiar with the road layout or the area.
15. I find that the proposed advert and communication hub in general would create a distraction to drivers, which 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.
16. 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

17. 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.
18. For the above reasons, both Appeal A and Appeal B are dismissed.

C Pipe

INSPECTOR