



Appeal Decision

Site visit made on 17 January 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal A Ref: APP/F5540/W/23/3322702

Pavement o/s 548 Chiswick High Road, London W4 5RG

- 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 Hounslow.
 - The application Ref: 00248/O/S548/P2 dated 15 December 2022, was refused by notice dated 12 May 2023.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.
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Appeal B Ref: APP/F5540/H/23/3322706

Pavement o/s 548 Chiswick High Road, London W4 5RG

- 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00248/O/S548/AD2, dated 15 December 2022, was refused by notice dated 12 May 2023.
 - The advertisement proposed is advertisement display relating to installation of a multifunctional communication hub.
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Decisions

1. Appeal A is allowed and planning permission is granted for the installation of a multifunctional communication Hub including defibrillator and advertisement display at Pavement o/s 548 Chiswick High Road, London W4 5RG in accordance with the terms of application Ref: 00248/O/S548/P2 dated 15 December 2022, subject to the conditions set out in the Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the display of advertisement display relating to installation of a multifunctional communication hub and in accordance with the terms of application Ref: Ref 00248/O/S548/AD2, dated 15 December 2022. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the Schedule attached to this Decision.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed hub. Appeal B is in respect of refusal of advertisement consent for the LCD signage which would be an integral part of the proposed hub sought under Appeal A. I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.
5. The description of development for both appeals sets out the proposed development including the words, *as illustrated in the attached documentation*. Whilst I have taken all the supporting documentation into account, I do not consider that this wording is sufficiently precise to add to the description of development in the decision letter.
6. The National Planning Policy Framework (Framework) was revised in December 2023. Although some of the paragraph numbering has changed, I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellants or the Council on the revised Framework.

Main Issues

7. The main issues in both these appeals are:
 - a) the effect of the proposal on the character, appearance and visual and aural amenity of the locality including the setting of the Wellesley Road Conservation Area;
 - b) The effect of the proposal on public safety;
 - c) The effect of the proposed development on crime and anti-social behaviour.

Reasons

Background

8. The appeals relate to a freestanding hub, with an integral advert display on one side with a call facility under a protective canopy on the other.
9. The hub would have a width of 1338 mm and overall height of 2630mm; the depth of the main vertical element would be 317mm with the protective canopy extending out a further 600mm. There would be an LCD screen display screen on one side measuring 1895 mm by 1065 mm, together a 32 inch touch screen including a call facility and access to other services, under a protective canopy on the other. The proposal would provide a range of services, including, amongst others, free Wi-Fi, free phone calls to landlines and charities, defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies such as environmental conditions, CCTV and key data. These features are

implemented with all units powered by green electricity and lit using high-capacity batteries, powered by solar energy.

Issue a) Amenity

10. The appeal site is located on the north side of Chiswick High Road (A315) in the section between Gunnersbury Underground Station to the west and the junction with Acton Lane to the east. It comprises a pavement of generous width, measuring over 6m from the kerb to the frontage of a modern, six storey, development comprising commercial uses on the ground floor and residential development above. The urban area is mixed in character with more modern developments comprising retail and commercial uses at ground floor with both offices and residential above as well as more traditional Victorian residential buildings particularly on the south side of the road. The south side of the street between the junctions with Marlborough Road and Burlington Road falls within the Wellesley Road Conservation Area.
11. The proposed hub would be sited towards the kerb edge of the pavement, to the immediate east of a loading bay and to the immediate west of two cycle parking hoops and a large, mature street tree. With 5.5m spacing between the hub and the building frontage, it would leave the majority of the generous pavement width clear.
12. The wider street scene is of generous proportions with a wide highway and generous pavements on both sides. Along the north side there are a number of recent developments, mainly of 5 – 6 storeys in height. Although the Victorian houses on the south side of the road are not as tall as the more modern developments on the north side, they are set back from the highway and this additional set back adds to the spacious street scene. In that context, the scale of the hub and display would be moderated by both the space around it, as well as the scale of the buildings along the north side of Chiswick High Road. Although it would be viewed as a notable feature, as it is intended to be, it would respect the human scale of the streetscape and would not be unduly prominent or obtrusive within it. It would also be sited in line with existing street trees and so would not be an obtrusive feature within the unencumbered part of the pavement. Given this siting, it would not be visually intrusive or result in a material increase in street clutter. Given its scale and siting in relation to the surrounding townscape and main road, I am also satisfied that it would not harm the pedestrian experience along the street.
13. The proposal would not be within the designated heritage asset of the Wellesley Road Conservation Area, which extends to Chiswick High Road to include the Victorian houses between Burlington Road and Marlborough Road. The significance of the Conservation Area is focussed on the high quality largely Victorian residential development on either side of Wellesley Road and extending as far as and fronting Chiswick High Road. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 16 of the Framework refers also to considering the effect of a proposal on the setting of a designated heritage asset.
14. Given the width of the road, including the set back of the houses that are within the Conservation Area, taken together with the relatively small scale of

the proposed hub set I am satisfied that the proposal would not result in an encroachment of commercial character into the residential significance of the Conservation Area. I am therefore satisfied that the proposals would have no adverse effect on but would preserve the setting of the Conservation Area. For the same reasons and particularly the distance between the proposed hub and the locally listed building at No 367 Chiswick High Road, I do not consider that the proposal would result in any harm to its setting; its setting would be preserved.

15. In respect of the levels of illumination which particularly relates to Appeal B, there is some contradictory information presented by the Appellant, but both the application forms and the proposed conditions from the Appellant confirm that the advertisement screen would be switched off between the hours of 23.59 and 06.00 each day. The proposed conditions, as set out by the Appellant, also indicate that the proposed screens would automatically dim during the hours of darkness to 400 cdm-2 in line with the maximum recommended luminance as set out by The Institute of Lighting Professionals Professional Lighting Guide 05: *The Brightness of Illuminated Advertisements 2015*. Given that this is an urban location with streetlights, I am satisfied that providing such conditions are imposed, there would be no justification to withhold consent in this regard.
16. The Council has raised as a reason for refusal concerns about noise pollution, but I have been given no further information to explain this concern, whether it relates to the hub itself or from people using the equipment incorporated within the hub. The suggested conditions from the Appellant include a condition to require that there should not be any music or sound emitted from the advertisements. I have been provided with no information on pedestrian movements along this part of the High Road but given its urban location and along a main road, there is no compelling evidence before me to lead me to conclude that the hub would lead to any material noise concerns, sufficient to harm the living conditions of surrounding residents.
17. I am therefore satisfied that the proposal in respect of both Appeals A and B would respect the character, appearance and visual and aural amenity of the locality, and would preserve the setting of the Wellesley Road Conservation Area. It would accord with Policies CC1, CC2, CC5, EQ5 and EQ6 of the Hounslow Local Plan, Policies D4 and D14 of the London Plan, as well as the National Planning Policy Framework, and in particular Sections 12 and 16, all of which amongst other matters seek high quality development which respects and respects the local context, including the significance of heritage assets.

Issue b) Public Safety

18. The Council's reason for refusal raises a number of matters, including that the proposed hub would impair visibility for vehicles using Chiswick High Road. No technical information is before me in this regard. Chiswick High Road is a busy road leading into the centre of Chiswick from the west. However, the proposed hub would be sited on the pavement and set in from the kerb, and the Council advises that the set back in is accordance with TfL Streetscape guidance. There is no compelling evidence before me to indicate that the proposal would impair visibility for vehicles on the main road.

19. The same reason for refusal also refers to impairing visibility for those using the vehicular access between Nos 546 and 548, causing harm to highway and pedestrian safety. Again, there is no technical information before me to provide evidence to substantiate this concern. However, the access of concern is a little way to the east of the proposal, with wide pavement and then a large street tree between the proposed hub and the vehicular access. I am of the view that a vehicle emerging from the car park onto a busy main road would expect to have to take care when approaching the kerb line to assess whether it would be safe to join the highway. Although the hub would add to the existing street furniture and mature street tree, I am satisfied that there would remain adequate visibility towards the west so that there would be no harm on grounds of public safety in respect of both vehicles and pedestrians.
20. I am therefore satisfied that the proposal in respect of both Appeals A and B would not result in harm on public safety grounds. It would respect Policy EC2 of the Hounslow Local Plan, which requires new development not to impact on pedestrian and vehicle movement and safety.

Issue c) Crime and Anti-social behaviour

21. The application is supported by a Unit Management Plan which the Appellant confirms has been prepared in consultation with the Police Service and is intended to set out the processes that will be used to identify and action any misuse and anti-social behaviour associated with the operation of the hub. Whilst I agree the importance of the issue and the objectives set out in the Local Plan, there is no evidence before me to support this contention and the basis of the concern. As indicated above, the proposal is supported by a Unit Management Plan.
22. I am therefore satisfied that subject to the imposition of a condition in respect of Appeal A to require the management plan to be followed, there would be no harm on the grounds of crime and anti-social behaviour. There would be no conflict with Policies CC1 and CC2 of the Hounslow Local Plan, Policy D11 of the London Plan and the Framework, all of which seek, amongst other matters to ensure a safe environment.

Other Considerations

23. My attention has been drawn to an earlier permission and consent in a similar location for a hub with advertising screens under the Refs APP/F5540/W/19/3234624 and APP/F5540/W/19/3234627. However, this scheme was not implemented. I am advised that the current proposal would be of different and larger dimensions to that earlier scheme. Each proposal must be considered on its individual merits and that has been the basis of my assessment in this case.

Conditions

24. The Council has proposed a number of conditions in respect of these appeals. In addition to the standard condition regarding commencement of development, I have imposed a condition specifying the relevant drawings as this provides certainty. As indicated above I have also imposed a condition to require the Management Plan to be followed at all times to protect the amenities of the local community.

25. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. In addition, in the interests of both amenity and public safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary. The Council has sought for the illumination levels to be further reduced to 300 cd/m² between 23.00 but the Appellant has offered that the advertisement screen shall be switched off between midnight and 06.00. I have therefore imposed conditions to this effect, including the lower luminance levels during the earlier hours of darkness. I have also imposed a condition to protect the aural environment, as proposed by the Appellant.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that Appeals A and B should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

Conditions in relation to Appeal A: Ref: APP/F5540/W/23/3322702

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A02093/01; A02093/02; Hub Unit Detail; Communication Hub Unit Management Plan V2 September 2022.
3. The hub hereby approved shall be operated at all times in accordance with the details of the approved Communication Hub Unit Management Plan V2 September 2022 or as may be subsequently updated.

Additional Conditions in relation to Advertisement Consent under Appeal B: Ref: APP/F5540/H/23/3322706

1. The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness. The advertisement screen shall be switched off between the hours of 23:59 and 06:00. The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.

2. The digital screen shall not display any moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
3. The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
4. No music or sound shall be emitted from the advertisements.
5. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.