

Appeal Decision

Site visits made on 18 January 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.03.2024

Appeal A Ref: APP/L5810/W/23/3325555

Pavement outside 35-38 George Street, Richmond TW9 1HY

- 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 Mr Martin Stephens, J C Decaux UK Ltd, against the decision of the Council of the London Borough of Richmond.
 - The application, Ref. 23/0484/FUL, dated 18 April 2023, was refused by notice dated 7 June 2023.
 - The development proposed is the installation of an open access Communication Hub.
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Appeal B Ref: APP/L5810/H/23/3325556

Pavement outside 35-38 George Street, Richmond TW9 1HY

- 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 Mr Martin Stephens, J C Decaux UK Ltd, against the decision of the Council of the London Borough of Richmond.
 - The application Ref. 23/0485/ADV dated 18 April 2023, was refused by notice dated 7 June 2023.
 - The advertisement proposed is an illuminated advertisement display, associated with installation of an open access Communication Hub.
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Decisions: Appeals A and B

1. The appeals are dismissed.

Preliminary Matters

2. Appeal A relates to the refusal of planning permission for the proposed Communication Hub. Appeal B is in respect of the refusal of advertisement consent for displays on the LCD advert screen. I have dealt with the appeals on their individual merits, but as the advertisement screens are an integral part of the Hub it is both convenient and appropriate to consider the appeals together as regards the main issue below.
 3. Since the Notice of Refusal was issued the National Planning Policy Framework 2023 ('the Framework') has been amended with consequential alterations to paragraph numbers, referred to in their revised form below.
 4. Paragraph 118 of the National Planning Policy Framework 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
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5. Paragraph 122 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of the Richmond Upon Thames Local Plan 2018 cited by the Council in its Decision on the application. These are Local Plan Policies LP1, LP3, LP4, LP16, LP21 & LP44.
6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the more restrictive form of the development plan policies clearly necessitates a balanced decision. However, in my view it is the specifics of the site's characteristics and the extent to which the proposed equipment and its illuminated displays would be in keeping with its surroundings that are primarily the determinative factors in these appeals.

Main Issue

7. The main issue is the effect of the proposed Street Hub and its advertising screens on visual amenity and the character and appearance of the Central Richmond Conservation Area. Whilst the Refusal Notice also refers to the effect on street trees, publicly accessible cycle parking and flood risk, I have considered these as 'Other Matters'. As indicated in paragraph 2 above, the main issue relates to both Appeals A and B. However, the other matters are relevant only to Appeal A which is against refusal of planning permission for the Communications Hub.

Reasons

Character and Appearance of the Conservation Area

8. On the main issue, the Council's objection is that the proposed Street Hub would have an unduly prominent visual impact and result in excessive clutter. It is also considered that it would be harmful to the setting of nearby Buildings of Townscape Merit ('BsTM') and that these combined effects would cause 'less than substantial harm' to the character and appearance of the conservation area.
9. The site for the proposed Hub would be in Lower George Street near its junction with The Square and where the pavement widens from the south to form a pedestrian precinct of a fairly modest size. This includes a large street tree on a raised bed against which are a row of steel cycle stands and an array of other street furniture, including a lamp column and decorative obstacles to prevent vehicle access to the paved area.
10. There are a number of seats for public use including alongside shopfronts which encourage the outside consumption of food and drink purchased from the nearby Pret A Manger and similar outlets in the town centre. The townscape of this part of the town centre is of a high standard with the great majority of premises being BsTM. And in my view Nos. 35 & 36, with their more traditionally designed shopfronts directly adjacent to the site proposed for the Hub, are of particular merit.

11. For the appellant it is argued that the stretch of road from Richmond Circus to Richmond Bridge, alongside which the appeal site lies, is a busy commercial street with brightly lit and active store frontages where a Hub unit would not be dominant nor out of character. I acknowledge that the character and appearance of the conservation area which embraces a busy town centre of a London suburb does not in principle preclude the proposed Hubs.
12. In this regard the appellant's case is helped because I do not consider that the street furniture is necessarily always perceived by shoppers and passers-by as being read with the older buildings in the town centre. Nonetheless, there is still a valid case to be made that the overtly modern and commercial appearance of the Hub and its displays has the potential to create an element of visual disharmony against the backdrop of the older buildings.
13. With that said, in this case it is the impact on the quality of the public space of Lower George Street and the views up and down the road that with this proposed siting are of more significance. In this context the structure would increase the existing clutter in the pedestrian precinct and to some degree obscure views in both directions along the street.
14. Furthermore, in the majority of views the structure would be seen at the same time as the existing BT Hub approximately 30m to the northeast. I consider that to have two structures of a similar size and function within plain sight of one another would be detrimental to the character and appearance of the area by reason of their combined visual intrusion and overly commercial presence. The adverse effect would be compounded by the brightly lit advertisement displays of each unit.
15. The cumulative effect of these considerations would cause harm to both the character and appearance of the conservation area, thereby reducing its significance as a designated heritage asset. This would be 'less than substantial harm' as referred to in paragraph 205 of the Framework. Paragraph 208 of the Framework says that such harm should be weighed against the public benefits of the proposal.
16. The grounds of appeal cite such benefits of an open access Communication Hub as including phone calls and access to the internet for way finding, news and other public information useful to residents and visitors. The inclusion of defibrillators is considered to be an important asset with evidence of their use by members of the public and emergency services. I accept that such facilities represent a tangible benefit, but in this particular case consider that on balance they would not outweigh the harm caused to the conservation area identified in paragraphs 12-15 above and in conflict with the development policies to which I refer in paragraph 5.

Other Matters

17. The Council considers that in addition to the harm caused to the Conservation Area, the proposed Hub would also adversely affect existing street trees; accessibility to cycle parking, and flood risk. As the appeal scheme fails on the main issue, I only need to address these matters briefly. Firstly, the tree is positioned in the raised bed and is semi-mature. With its lower branches above the height of the proposed unit and root system well away from it I can see no reason why the tree would be affected.

18. As regards the cycle stands, the appeal plans show one stand being removed but two new stands adjoining the western side of the raised bed, thereby resulting in an improvement to the facility. In terms of flood risk, I acknowledge that the Council considers that the application is technically deficient, but with a site area of less than 0.5sqm adjoining an extensive brick structure in the form of the raised bed I do not consider that there would be any measurable effect on the risk of flooding.
19. In summary on these matters, with two of these issues essentially neutral in their effect and the third providing just one extra cycle stand, I find that although not adding to the harm caused to the conservation area neither would there be a material benefit as regards the appeal scheme as a whole.

Conclusion

20. In summary on the main issue, I find on balance that the proposed Communications Hub would fail to preserve the character and appearance of the conservation area and would therefore be in harmful conflict with the local and national policies referred to in paragraphs 4 & 5 of this Decision. This less than substantial harm would not be outweighed by the public benefits of the proposed communication Hub.
21. For the reasons set out above and having had regard to all other matters raised, Appeals A and B are dismissed.

Martin Andrews

INSPECTOR