



Appeal Decisions

Site visit made on 22 February 2024

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2024

Appeal A Ref: APP/E5900/H/23/3330508

Pavement Opposite 372 Bethnal Green Road, London E2 0AH

- 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 against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/01203, dated 21 June 2023, was refused by notice dated 27 September 2023.
 - The advertisement proposed was originally described on the application form as 'not applicable'.
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Appeal B Ref: APP/E5900/W/23/3330507

Pavement Opposite 372 Bethnal Green Road, London E2 0AH

- 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 against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/01202, dated 21 June 2023, was refused by notice dated 27 September 2023.
 - The development proposed was originally described on the application form as 'not applicable'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural matters

3. As the proposed communications hub and advertisement are linked, I have dealt with them together to avoid duplication as Appeal A and Appeal B. The appeals have however been considered on their own individual merits.
4. Appeal A is concerned with the display of an advertisement. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework (the NPPF) make it clear that advertisements are subject to control only in the interests of amenity and public safety. I have taken relevant development plan policies into account as material provisions in Appeal A. In Appeal B I have exercised my duty in regard to the development plan as per s38(6) of the 2004 Act.
5. The description of development for both appeals as set out on the application forms is described as 'not applicable'. I sought the views of the parties on this

and the appellant has confirmed that this was in error. So, I have considered the appeals on the basis of the Council's description of development as set out in the respective decision notices as they accurately describe each proposal. Therefore, Appeal A is concerned with the display of an 86 inch LCD screen showing illuminated static displays in sequence. Appeal B is for the installation of a multifunctional communication hub including an advertisement display. Whilst the applications were made by Martin Stephens JCDecaux, the appeals are made by Mr Thomas Johnston JCDecaux UK Ltd. As Mr Johnston was not the applicant, the appeals proceed in the name of JCDecaux.

6. The revised NPPF was published in December 2023. I have not felt it necessary to consult the parties on the implications of the NPPF for the appeals given the proposed scheme and the scope of the changes made to the NPPF.

Main Issues

7. The main issues in Appeal A are the effect on amenity and public safety. The main issues in Appeal B are the effect of the proposal on the character and appearance of the area and pedestrian safety.

Reasons

Amenity/character and appearance

8. The appeals relate to the display of an advertisement and the installation of a multifunctional communication hub (the hub) which would be sited within a paved area built out from the main footway within the Bethnal Green Road shopping centre. The built-out area denotes the end of some market stall bays. I saw at my site visit that CCTV and street lighting columns are sited in the widened pavement nearby, closer to the shopfronts than the proposed hub. I also noted that Bethnal Green Road has some variety in street furniture.
9. The proposed hub is of a modern design and would be seen in the context of the existing street furniture, shops and market stalls, in what appears to be a busy shopping centre. The introduction of the hub would however markedly increase the visual clutter within the footway. This is particularly so, due to its width and height and it would appear as a bulky addition to Bethnal Green Road. Furthermore, given its proposed siting across the footway, it would also reduce permeability along the street, reducing views along the street thereby having a negative effect on the street scene.
10. The proposed hub would therefore harm the amenity/character and appearance of the area contrary to policies D.DH10, S.DH1, D.DH2 of the Tower Hamlets Local Plan 2031 (THLP), and Policy D8 of the London Plan (2021) (LP). Amongst other things, and taken together, these policies seek to ensure that streets are attractive with a well-designed public realm and that any advertisements are of a high quality. I do not find conflict with the criteria set out in THLP Policy D.DH8 which is concerned with the amenity of new and existing buildings and their occupants. This lack of conflict is a neutral factor in my consideration of the appeals.

Public safety/pedestrian safety

11. The submitted plans show that the proposed hub would not be closer to the shopfronts than the existing CCTV and street lighting columns. Despite shopfront canopies being opened and the display of goods in front of shops, I

observed that the remaining area of footway between the columns and shops was sufficiently wide enough to allow the free flow of pedestrians. The proposed siting of the hub would not affect that, even if there were some users standing at it. The Council has questioned whether the submitted drawings depict the existing pavement accurately. Whilst the plans may be inaccurate, from my observations on site, even if the proposed hub were situated closer to the shopfronts in the way the Council suggests, it would not give rise to inappropriate obstruction or narrowing of the footway given the available footway width, which is in any event affected by the street lighting column.

12. To conclude on this matter, the proposed hub would not inappropriately reduce the width of the public footway and would not harm the safe and efficient operation of the footway or fail to promote a safe inclusive walking environment. The proposal would not therefore conflict in this regard with Policies D.DH10 and S.TR1 of the THLP and Policies T1, T2, T3 and T4 of the LP which are concerned amongst other things with rebalancing the transport system towards walking, cycling and public transport, promoting walking, safeguarding walking networks, and addressing and mitigating transport impacts including public or highway safety.

Other matters

13. The hub would provide a free to use public phone service and would incorporate a defibrillator, which would be a benefit of the scheme. It would also be powered by energy from renewable sources. The appellant also suggests conditions relating to illuminance and restrictions on the display of images within the advertisement panel, but that would be a neutral factor. I have also had regard to national policy as set out in the NPPF, the guidance set out in the Planning Practice Guidance and LP Policy 7.3 referred to me by the appellant, and that the hub has been designed with crime prevention in mind.

Conclusion

14. Whilst I do not find harm in regards of public safety/pedestrian safety, the benefits of the proposal do not outweigh the harm identified in respect of amenity/character and appearance. Specifically in respect of Appeal B in exercising my duty under s38(6) of the 2004 Act, I find that there are no material considerations which outweigh the conflict identified with the development plan. Both appeals are dismissed.

Philip Lewis

INSPECTOR