



Appeal Decisions

Site visit made on 2 July 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal A Ref: APP/E5900/W/23/3330504

Pavement Outside 26 Bow Road, Bow, Tower Hamlets, London E3 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens on behalf of JCDecaux against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/01204.
 - The development proposed is installation of a multifunctional communication hub with integrated defibrillator including advertisement display.
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Appeal B Ref: APP/E5900/H/23/3330505

Pavement Outside 26 Bow Road, Bow, Tower Hamlets, London E3 4LY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Martin Stephens on behalf of JCDecaux against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/01205.
 - The advertisement proposed is the installation of a multifunctional communication hub with integrated defibrillator including advertisement display.
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Decision

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

Preliminary Matters

3. The description of development for both appeals as set out on the application forms is described as 'not applicable'. The Council's description of development as set out in the respective decision notices accurately describe each proposal, these descriptions have also been used by the appellant on the submitted appeal forms. I have therefore considered the appeal on this basis and used the description taken from the Council's decision notice in the banner heading above.
4. Appeal A relates to the refusal of planning permission for the proposed communication hub. Appeal B relates to the 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.

5. 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.
6. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

7. For Appeal A, the main issues are the effect of the proposal on the character and appearance of the area, including the setting of the Tredegar Square Conservation Area and highway safety.
8. For Appeal B, the main issues are the effect of the proposal on visual amenity and public safety.

Reasons

Character and Appearance; Visual Amenity

9. The appeal site comprises an area of pavement located to the front of 26 Bow Road, which is a residential block of flats. Bow Road (A11), a principal distributor road, is a broad, four-lane highway with separate cycle lanes and wide pavements. There is considerable variation in the sizes, uses and designs of buildings fronting Bow Road. The wide pavement along Bow Road has extensive street furniture including communication hubs, speed cameras, bus shelters, bins, street lighting, trees, and cycle storage.
10. The appeal site is situated close to the locally listed Methodist Church Tower Hamlets and the Tredegar Square Conservation Area (TSCA) boundary. The boundary of the TSCA is situated on the opposite side of Bow Road. The significance of the TSCA lies in its regular grid layout of streets and squares, and its elegant late Georgian/early Victorian terraces and villas in London stock brick or white stucco. While there are differences between the designs of different terraces and villas, they exhibit a regularity in form and repetition of architectural detailing that presents a coherent whole to each street frontage.
11. The submitted proposed communication hub is of a simple design comprising a relatively slim, dark coloured metal frame. The front elevation comprises a public phone with a wireless charging shelf, defibrillator, accessible touch pad and touch screen covered over by a protective canopy, and toward the rear elevation a LED advertisement display screen. The communication hub would have a footprint of approximately 0.5m² and maximum height of approximately 2.6 metres, width of approximately 1.3 metres and a depth of approximately 0.3 metres.
12. The submitted documentation indicates that the proposed hub would replace an existing hub set between the existing cycle hire docking station and mature trees. However, it would not be a direct replacement of the existing hub at this

location as it would be located approximately 10 metres from the existing location and closer to an existing junction onto Bow Road. As a result, it would be prominently sited.

13. Whilst there is a proliferation of street furniture in the area there is a relative spatial order within the street scene with space left around and between them to ensure the pavement does not become too cluttered. The addition of a new sizeable and bulky item of street furniture, which is prominently located, would add to the existing visual clutter on this part of the street. The harm arising from this would be exacerbated as a result of the proposal's location on in a prominent position, close to the pavement's edge, whereby the development would draw attention to itself as an unduly dominant feature.
14. In this context, as a result of its size, scale and prominent location, the communication hub would appear as an unduly dominant and intrusive structure within the wider street scene. Due to the amount of existing street furniture within the pavement, it would result in unacceptable clutter which would have a harmful effect on the character, appearance, and visual amenity of the area, including the setting of the TSCA.
15. The harm arising would be localised and in respect of the significance of the heritage asset, would be less than substantial. Public benefits would arise from the proposal in terms of access to free Wi-Fi and related information. However, in this particular case, the public benefits identified are not sufficient to outweigh the harm identified.
16. Therefore, with regard to Appeal A, I find that the proposed development would cause unacceptable harm to the character and appearance of the area, including the setting of the TSCA. It would be contrary to Policies S.DH1, D.DH2 of the Tower Hamlets Local Plan 2031, adopted 2020 (THLP) and Policy D8 of the London Plan 2021. These policies seek, amongst other things, to ensure high quality design that respects and positively responds to its context and the public realm.
17. While reference is also made to Policy D.DH8 of the THLP, this relates to amenity such as outlook, privacy, light and pollution which does not go to the main issues of this case.
18. With regard to Appeal B, for the reasons given, I find that the advertisement would cause harm to the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would not comply with those policies referred to above. Furthermore, it would conflict with Policy D.DH10 of the THLP insofar as it seeks to ensure well designed signage that complements the character and appearance of the area.

Highway Safety; Public Safety

19. Bow Road is a busy dual carriageway with cycle lanes on both sides, adjacent to the wide pavements. The proposed development would be located close to a cycle docking station and a vehicle access onto Bow Road.
20. I am satisfied that there is sufficient pavement width that the siting of the communication hub would not necessarily cause an obstruction to pedestrians. However, due to the proposed location, its use alongside the cycle docking station may result in conflict between users, pedestrians, and cyclists, particularly given the proximity to the cycle lane.

21. The location of the proposed development is adjacent to a dropped kerb to access to a business premises with car parking area. Due to the location of the nearby access to and from Bow Road and the position of the communication hub close to the kerb, the proposed development would obstruct, to a degree, sightlines which would adversely impact highway users. Furthermore, whilst there are some existing hubs with advertisement screens along the main road, it is not an area where illuminated signage is prominent. The proposed hub, in which the advertisement would be oriented towards oncoming traffic, would add an additional advertisement screen, creating additional distraction cyclists and motorists, compromising highway safety.
22. For these reasons, I therefore find in respect of Appeal A, that the proposed development would harm highway safety. It would therefore be contrary to Policy S.TR1 of the THLP and Policies T1, T2, T3 and T4 of the London Plan 2021. These policies, amongst other things, seek to ensure development does not adversely impact the access and safety of the highway network and does not increase road danger.
23. In respect of Appeal B, for the reasons given, the advertisement would cause harm to public safety. I have taken into account the policies of the development plan insofar as they are material, and the scheme would not comply with those policies referred to above in this respect in addition to Policy D.DH10 which seeks to ensure well integrated signage that does not adversely affect public and highway safety.

Other Matters

24. I have had regard to the public benefits of the scheme which include contributing to the creation of smart cities through the use of multifunction interactive screens to connect the Council with the public and be used to promote Council initiatives, public celebrations, to facilitate wayfinding or to promote the Borough to those who live work or visit this part of the city.
25. The hub would also include features such as Wi-Fi, phone charging, a free phone calling system and defibrillator. This is supported by Paragraph 118 of the Framework. Despite the limited scale of the proposal the benefits of it, and of particular importance the defibrillator, are matters that I attribute moderate weight to in favour of the proposal.
26. However, the proposed would harm the character and appearance of the area and have an unacceptable impact on highway safety. I attribute significant weight to the cumulative harm, and this would outweigh the stated benefits of the scheme.

Conclusion

27. For the above reasons, the proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that Appeal A should be dismissed.
28. For the reasons given above the proposal would be detrimental to the interests of visual amenity as well as public safety. Therefore, I conclude that Appeal B should be dismissed.

K Lancaster

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/E5900/W/23/3330504	JCDeaux UK Ltd
Appeal B	APP/E5900/H/23/3330505	JCDeaux UK Ltd