
Appeal Decision

Site visit made on 21 August 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal A Ref: APP/U5930/W/24/3342553

Pavement outside Station Approach Selborne Road, Walthamstow E17 9QD

- 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 Infocus Public Networks against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 232542, dated 10 October 2023, was refused by notice dated 19 February 2024.
 - The development proposed is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Appeal B Ref: APP/U5930/H/24/3342554

Pavement outside Station Approach Selborne Road, Walthamstow E17 9QD

- The appeal is made under regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 against a refusal to grant express consent.
 - The appeal is made by Infocus Public Networks against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 232477, dated 10 October 2023, was refused by notice dated 19 February 2024.
 - The proposed advertisement is the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decisions

1. Both appeals are allowed and planning permission and express consent are granted for the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement at Pavement outside Station Approach Selborne Road, Walthamstow E17 9QD in accordance with applications Ref 232542 (Appeal A) and Ref 232477 (Appeal B), both dated 10 October 2023, and subject to the conditions set out in Appendix 1 at the end of this decision.

Preliminary Matters and Main Issues

2. The same description is used for both appeals, taken from the respective application and consent forms. For the avoidance of doubt, the hub structure is the subject of the S78 planning appeal (Appeal A). The illuminated display on the structure is the subject of the separate advertisement appeal (Appeal B). Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with two proposals together, except where otherwise indicated.

3. The address in the decision header above is taken from the Local Planning Authority's (LPAs) decision notice which I consider more accurately identifies the location of the proposed development and advert.
4. The main issues in this appeal are as follows:
 - (i) The effect of the proposal on highway safety, with particular regard to pedestrian movements; and
 - (ii) The effect of the proposal on amenity, including the character and appearance of the surrounding area.

Highway Safety

5. The proposed hub with integral advertisement would be positioned close to the highway edge on the pavement on the southern side of Selborne Road. It would be close to where pedestrian steps exit up from Walthamstow Central station to the west and the signalised junction with Hoe Street to the east. The submitted plans indicate a width of approximately 5 metres would remain across the pavement with the proposed hub in situ. This figure is not disputed by the LPA, nor has an alternative figure been provided. The pavement on this part of Selborne Road is flat and wide. Whilst there are some occasional features, such as lighting columns, the appeal proposal would be sufficiently stand alone so as not to combine with one of these features to create a notable impediment to pedestrian flows. The proposed scale of the hub would not significantly narrow the footway. There would remain a wide pavement that could be used by numerous simultaneous pedestrians passing one another in both directions.
6. Whilst my site visit can only represent a snapshot, I observed only moderate levels of footfall on the pavement at the appeal site. This would appear to reflect that the location of the site is relatively peripheral to the main centre in this part of Walthamstow. Additionally, the layout at Walthamstow Central station allows pedestrians to pass under Selborne Road and exit directly at the bus station and into the main centre at this point. I have borne in mind that there may be more footfall to and from the nearby station steps at peak commuting times, but I remain satisfied that the proposed hub structure would leave a significant residual wide pavement, suitable for the levels of footfall that could reasonably be expected.
7. On the opposite side of Selborne Road to the appeal site is the Goose public house and a Tesco Express store with further retail and commercial premises along Hoe Street to the north. None of this persuades me that there is particularly strong desire line to cross Selborne Road at the point of the proposed hub to reach this offer. Selborne Road is four lanes wide at this point with no central refuge and buses queuing to enter the bus station, further deterring any informal pedestrian crossing of this busy road. As such pedestrians are more likely to use the safe and conveniently positioned signalised crossing only a short distance to the east of the appeal site. The proposed hub would not materially impede pedestrians using Selborne Road to reach the signalised crossing at the Hoe Street junction. Alternatively, pedestrians can safely cross Selborne Road via the signalised pedestrian crossing immediately outside of the train station, a short distance to the west. I see very little reason why pedestrians would risk crossing the four lanes of Selborne Road other than at these two controlled crossing points.

8. Whilst the hub would be a relatively bulky and prominent structure within the pavement and positioned close to the carriageway edge with regards to the Hoe Street signalised junction it would be in the opposite direction to where pedestrians would be looking in terms of oncoming traffic turning into Selborne Road from Hoe Street. Additionally, there would be no impact for traffic heading west along Selborne Road approaching the Hoe Street junction and crossings. The hub would be on the driver side of the carriageway, at some distance across two lanes of intervening, oncoming traffic. There would remain an obstructed view of the pedestrian crossing for approaching drivers from the west.
9. As set out above, the prospect of pedestrians seeking to navigate across the busy four lanes of Selborne Road at or close to the proposed position of the hub would be small given the proximity and safety of the signalised pedestrian crossings. If, on occasion, someone does attempt to cross Selborne Road at or close to the proposed hub, the overall speed of traffic, from my observations is very low given the road layout including the short distance between signalised junctions. As such there would be sufficient time to react were pedestrians to step out into the road close to the hub. Overall, I am not persuaded that the proposed hub and advertisement, despite its bulky appearance, would unduly interfere with pedestrian safety or driver visibility on this part of Selborne Road.
10. I therefore conclude the proposed hub and advertisement would not result in harm to highway safety, with particular regard to pedestrian movements. The proposal would therefore accord with Policies 53 and 60 of the Waltham Forest Local Plan Part 1 (2024) [*the WFLPP1*] which require, amongst other things, that development proposals facilitate inclusive, safe and accessible environments for all, create environments where residents and visitors choose to walk, improve the quality and resilience of the public realm, support permeability for active modes of travel and deliver more attractive, accessible and safe streets. There would also be no conflict with Policy 59 of the WFLPP1 in terms of ensuring advertisements are well integrated into the public realm and allow for pedestrian ease and highway safety.

Amenity

11. The proposed position, scale and massing of the hub and advertisement close to the roadway edge within the pavement means it would be highly conspicuous. The appeal site is, however, in a predominantly commercial part of Walthamstow, adjacent to the main underground and overground rail station. There are large advertisement hoardings within this part of Selborne Road, some of which would provide a backdrop to the appeal proposal in various perspectives. Whilst the LCD display would be prominent in the immediate street scene when approached from the east it would not be out of character given the largely commercial context and the backdrop of the station with its various signage.
12. I also observed the large upright stand with display screens for Waltham Forest Information directly at the junction of Hoe Street and Selborne Road immediately to the east of the pedestrian crossing. Whilst I have relatively few details regarding the background to this feature, the appeal proposal would be broadly comparable in appearance to it, and only moderately larger. Overall, I find the LPAs concerns regarding any impact on the openness of the road

junction and street scene more generally due to the proposed design and bulk of the hub to be diminished by the presence of this large information stand only a short distance to the east of the appeal proposal.

13. I therefore conclude that the appeal the appeal proposals would not be harmful to the amenity, including the character and appearance of the surrounding area. The proposal would therefore accord with Policy 53 of the Waltham Forest Local Plan Part 1 (2024) which requires, amongst other things, that development proposals facilitate inclusive, safe and accessible environments for all, improve the quality and resilience of the public realm, and comprise an appropriate response to the local context. There would also be no conflict with Policy WFLPP1 Policy 59 in terms of ensuring advertisements avoid negatively impacting the surrounding local area and complement the character, context and visual amenity of the surrounding area.

Conclusion and conditions

14. I have had regard to all other matters raised but there is nothing that leads me to conclude than other that the Appeal A be allowed and Appeal B be consented for the reasons given.
15. In respect of Appeal A in addition to the standard condition for the time limit, a further condition setting out the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. It is also necessary in the interests of securing high quality design to impose conditions requiring the external materials (appearance) of the hub to accord with those specified in the application documentation and to ensure that its installation and any necessary remediation of the pavement is completed with minimal interference and to an appropriate standard.
16. In respect of Appeal B, whilst the LPA appeal questionnaire states no additional conditions beyond the five standard conditions, given the various residential properties in the vicinity of the appeal location I consider it would be justified in the interests of residential amenity to restrict the luminance during the hours of darkness to 600cd/m² as per the appellant's submitted technical specifications. I have also imposed an additional condition, as suggested by the appellant, to limit the frequency at which the advertisements would change on the display unit to no less than every 10 seconds. Such a condition would be necessary for highway safety so as not to distract highway users to the east of the appeal site. The appellant suggested further conditions regarding visual impacts and a management plan, but I do not consider these would be necessary to make the proposal acceptable and so I have not imposed them.

David Spencer

Inspector.

Appendix 1 - Conditions

Appeal A

- 1) The development hereby permitted shall begin no later than 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 thereafter maintained as such for the lifetime of the development:

Site Plan and Images (Reference A02355)

Appendix A: Hub Unit Detail

Communication Hub Product Details and Benefits document
- 3) The materials to be used for the external surfaces of the development hereby permitted shall match those specified in the document 'Appendix A: Hub Unit Specification' (10 October 2023) and shall thereafter be retained as such for the lifetime of the development.
- 4) The development hereby permitted shall include pavement remediation works in accordance with the submitted document titled 'Appendix C: Pavement Reinstatement' (10 October 2023) and shall thereafter be retained as such for the lifetime of the development.

Appeal B

The consent is for five years from the date of this decision and in addition to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, is subject to the following conditions:

- 1) The intensity of the illuminance of the advertisement shall be no greater than 600cd/m² during hours of darkness.
- 2) The minimum time between successive displayed images shall be 10 seconds.

Ends.