

Appeal Decisions

Site visit made on 5 September 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal A Ref: APP/E5330/W/24/3339935

Pavement opposite 249 Greenwich High Road, Greenwich, London SE10 8NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by JCDecaux UK Limited against the decision of Royal Borough of Greenwich.
 - The application Ref is 22/3894/F.
 - The development proposed is Installation of a streetside multifunctional communication hub including defibrillator and illuminated advertisement display.
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Appeal B Ref: APP/E5330/H/24/3339934

Pavement opposite 249 Greenwich High Road, Greenwich, London SE10 8NB

- 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 Royal Borough of Greenwich.
 - The application Ref is 22/3895/A.
 - The advertisement proposed is Installation of a streetside multifunctional communication hub with LCD portrait advertisement display showing static illuminated content remotely changes via a secure ISDN.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in that Appeal B is for advertisement consent for the illuminated advertisement. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

3. The appeal site is located within the West Greenwich Conservation Area (CA) and the buffer zone to the Maritime Greenwich World Heritage Site. In respect of Appeal A, I therefore have a duty under Sections S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and requires special regard to be had to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which they possess. I have had regard to paragraph 205 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In advertisement appeals this is only relevant in so far as it relates to visual amenity.
4. Regulations to control advertisements may be exercised only in the interests of visual amenity and public safety. Although the reasons for refusal for Appeal B refers to policies contained in the London Plan, 2021 (LP) and the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, 2014 (CS), these are material considerations rather than being decisive in the determination of Appeal B.
5. The description of development as set out in the above banner heading has been taken from the Councils' decision notice as this specifically refers to the proposed development in respect of both appeals.

Main Issues

6. It is considered that the main issues for Appeal A are the effect of the proposed development on:
 - The character and appearance of the site and surrounding area, including whether it would preserve or enhance the character or appearance of the West Greenwich CA or preserve the setting of the Maritime Greenwich World Heritage Site; and
 - The pedestrian environment and sustainable travel.
7. For Appeal B, the main issues are the effect of the proposed advertisement on:
 - Visual amenity; and
 - Public safety.

Reasons

Character and appearance

8. The appeal site relates to a section of the public footpath on the north side of Greenwich High Road outside of No 249. This section of Greenwich High Road is commercial in character and has a mixture of street furniture in the form of street lighting, refuse bins, post boxes, street signage, bollards, and traffic lights as well as street trees.
9. The proposed development is part of a national programme to update and replace the older style of telephone kiosks. Under Appeal A, the development

seeks planning permission for the proposed installation of 1no. new street side multifunctional communication hub including a defibrillator and illuminated advertisement display. The street hub structure would on one side be used for the defibrillator, phone and display unit which would allow for calls to be made by members of the public and for wi-fi connection, whilst the other side would be a full length and width advertisement display. Appeal B is for the illuminated advertisement.

10. As referred to above, Greenwich High Road is the westerly entrance into the West Greenwich CA and the Maritime Greenwich World Heritage Site. The CA is noted for the quality of its townscape and the diversity of its architecture. The West Greenwich Conservation Area Appraisal, 2013 (CAA) explains that the town centre and riverward part of the CA is notable for the fine views across the town and towards central London. It goes on to explain that there are four highly distinctive landmarks in the CA that can be seen from many of the streets and open spaces as well as from the upper floors of countless buildings in Greenwich and beyond. The officer's report also sets out that Greenwich High Road has a number of notable buildings including many listed buildings.
11. The proposed development would be positioned in a prominent location at the front of the pavement, next to the highway being readily visible from a number of public viewpoints. The development would be a solid monolithic structure, which would have a height of 2.63 metres, a width of 1.34 metres and a depth of 0.35 metres. Whilst there are various features of street furniture located in the area, this particular part of Greenwich High Road comprises of relatively small-scale features. Consequently, the overall size and scale of the proposed development gives it a bulky and dominant appearance within the street scene when compared to other street furniture nearby. It would therefore be at odds with the local character of this particular part of Greenwich High Road. Additionally, the proposed advertisement would be internally illuminated which would increase its overall visual prominence in this location even taking into account ambient changes and the static and dynamic content. This would draw the eye from the significance of the heritage assets and its setting.
12. At my site visit, a greater amount of street furniture including other street hubs were evident further along the street. Given the presence of other street furniture along Greenwich High Road and other similar structures, the proposed development would remove a pleasing visual relief from nearby more cluttered areas whilst contributing to the unnecessary proliferation of street furniture within this area which would result in an unacceptable increase in clutter to the street scene.
13. Whilst it remains undisputed that this section of Greenwich High Road is not of the highest quality, this would not justify allowing inappropriate development which would further erode the area and further undermine the character and appearance of the CA and the setting of the Maritime World Heritage Site.
14. For the reasons given above, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would fail to preserve the character or appearance of the CA and would also fail to

preserve the setting of the Maritime Greenwich World Heritage Site. This would result in less than substantial harm to the significance of these designated heritage assets.

15. Paragraph 208 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balancing exercise applies to Appeal A. The benefits associated with the scheme include the benefit of a defibrillator to the community as well as telecommunications apparatus which also benefits the public with various useful features including, wayfinding, charging, Wi-Fi and emergency service call button. I am also aware of the support set out in the Framework for high quality communications whilst noting smart city solutions, unit management plans, sustainability, and innovation matters. However, given the nature of the development, the extent to which these are beneficial are limited and would not outweigh the identified harm to the CA or the setting of the Maritime Greenwich World Heritage Site to which I have attached great weight given the requirements of the Framework.
16. I conclude therefore on this issue that Appeal A would be contrary with Policies D3, HC1 and HC2 of the LP and Policies DH1, DH3, DH4, DH(c) and DH(h) of the CS which together, amongst other matters, explains that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character. For the same reasons, the proposed development would be contrary to the CAA and chapters 12 and 16 of the Framework relating to achieving well-designed and beautiful places and conserving and enhancing the historic environment.
17. Given my findings above in terms of character and appearance matters, it is concluded that Appeal B would also harm the visual amenity of the area and would conflict with the above-mentioned policies as well as Policy DH (f) of the CS which relates to advertisements.

Pedestrian environment, sustainable travel, and public safety

18. At my site visit, I observed that this section of Greenwich High Road is a busy pedestrian route and whilst the proposed development would reduce the pavements width, there would still be sufficient room around the structure for pedestrian movements which would not be unduly problematic. This element is therefore of lesser concern to me.
19. To the direct west of the appeal site is an entrance and exit point serving a designated parking area for a group of shops located around it. This leads onto the A206 which is a heavily trafficked road and busy bus route. I am aware that there have been 5 recorded personal injury accidents recorded within the vicinity of the adjacent car park and this location is one where great driver concentration is required with the speed limit of this road being 30mph.
20. The proposed hub would be located close to the entrance and exit point to the car parking area and this, together with the solid nature, size and scale

would interfere with the sightlines of vehicles emerging from the busy car park leading to conditions prejudicial to highway safety. Additionally, the proposed advertisement along with its level of illuminance would add a further distraction at eye level for drivers using the road and for drivers exiting the car parking area which is within an area that has already been the subject of a number of personal injury accidents. The ambient changes and static and dynamic content would not sufficiently mitigate against this nor would the suggested planning conditions.

21. For the reasons given above, I conclude on this issue that whilst Appeal A and B would not unduly impede or inconvenience pedestrian movements, Appeal A would impact sight lines for vehicles exiting the car parking area to the west of the site leading to conditions prejudicial to highway safety. The proposed advertisement along with its level of illuminance would add a further distraction for road users in an area already requiring greater driver concentration thereby bringing forward an increase in road danger.
22. Appeal A would therefore be contrary to Policies D8, T2 and T4 of the LP and Policies TC4, IM4 and IM(b) of the CS which together, amongst other matters, explains that development proposals should not increase road danger. For the same reasons, the proposed development would be contrary to chapter 9 of the Framework relating to promoting sustainable transport.
23. Given my findings above, it is concluded that Appeal B would also harm public safety and would be contrary to Policies D8, T2 and T4 of the LP and Policies DH (f) and IM4 of the CS which also requires advertisements to not adversely affect public safety including pedestrian and drivers.

Other Matters

24. My attention has been drawn to a previous appeal for a telephone kiosk at 259 Greenwich High Road. However, this consent was determined a number of years ago and has never been implemented. It was also determined under the Prior Approval process rather than adopted planning policy which is also understood to have changed since the appeal was issued. This scheme was also set further away from the entrance and exit point to the car parking area being of a predominantly glazed structure with no advertisement. This is very different to the appeal before me, and the outcome of that appeal would not alter my findings on the scheme I am determining which I have in any event, considered on its own merits. Reference to other schemes nearby would also not alter my findings as their overall location and site-specific context along with the proposals are not comparable to the appeal I am considering.
25. I am aware of the Councils' concerns in relation to need for the development whilst also acknowledging the appellant's claims in this regard including policy context/requirements. Even so, this did not specifically form part of the reasoning for refusal and thus in light of my findings of harm elsewhere, I do not find it necessary to consider this matter further. Notwithstanding, it would also not alter my findings above nor be sufficient to weigh in favour of the appeal.
26. Such developments are often seen across London and can be acceptable in urban areas being commonplace alongside busy routes. However, the

proposed development would still be unacceptable in this specific location for the reasons given.

Conclusion

27. Although the proposed development would not unduly impede or inconvenience pedestrian movements, it would unacceptably harm the character and appearance of the site and surrounding area. It would fail to preserve the character or appearance of the CA and would also fail to preserve the setting of the Maritime Greenwich World Heritage Site. Additionally, the proposed development would harmfully impact pedestrian and highway safety.
28. Accordingly, the proposed development would conflict with the development plan when considered as a whole as well as the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that Appeal A and Appeal B should be dismissed.

N Teasdale

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/E5330/W/24/3339935	JCDecaux UK Limited
Appeal B	APP/E5330/H/24/3339934	JCDecaux UK Limited