



Appeal Decisions

Site visit made on [Event Date]

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal A Ref: APP/F5540/W/24/3344324

191 High Street, Hounslow TW3 1BL

- 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 Nathan Still of IN FOCUS NETWORK LIMITED against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00610/O/S191/P1.
The development proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Appeal B Ref: APP/F5540/H/24/3344327

191 High Street, Hounslow TW3 1BL

- 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 M Nathan Still of IN FOCUS NETWORK LIMITED against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00610/O/S191/AD1.
 - The advertisement proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form, omitting wording that is not an act of development. The appeals concern the same site and proposals that are intrinsically linked and raise similar issues. Although the remit of planning permission (Appeal A) and advertisement (Appeal B) regimes are different, I have dealt with both appeals together. In the case of Appeal B, the Regulations require that decisions are made only in the interests of amenity and public safety. Accordingly, while I have taken account of the relevant development plan policies, they have not been decisive in my determination of Appeal B.

Main Issues

3. The main issues in Appeal A are the effect of the proposed development on the character and appearance of the area and on highway safety.
4. The main issues in Appeal B are the effect of the proposed advertisement on amenity and public safety.

Reasons

Character and appearance and amenity

5. The appeal site comprises an area of pavement. The surrounding area has a mix of uses and a commercial character, featuring assorted built form of varying appearance, including modern shop frontages. The proposed communication hub would be located at the edge of the pavement nearest to the cycle lane on High Street, a busy pedestrian thoroughfare that is prohibited to private cars but includes a cycle and bus lane.
6. The proposal would form part of the group of street furniture in the vicinity of the site including lamp posts, a wayfinding sign, litter bins, cycle hoops for cycle parking and a bus stop. It would be seen by pedestrians and cyclists from numerous vantage points on High Street and by pedestrians on approach from The Smithy. From all vantage points, the communication hub would be read as a typical urban roadside feature amongst other street furniture. In this open wide street, it would not be unduly prominent in views and despite being close to existing street furniture it would not create visual clutter. As such, despite the proposal's height and width, and while bulkier than the existing street furniture, the proposal would have a relatively low-key visual effect within the generally modern townscape setting.
7. The advertising screen would be modest in size, confined to one side of the hub, capable of rotating static images and would be illuminated to recommended levels. It would be seen in the context of a variety of other advertisements close to the site, including shop fascia signs and illuminated signage at the nearby bus stop. Considering the existing features and the commercial setting, the proposed advertisement would not be unusual, and it would not be detrimental to the amenity of the area. Moreover, planning conditions could be imposed to ensure the display was not overly bright or intrusive for amenity reasons.
8. Therefore, I conclude that the proposed development would not harm the character and appearance of the area. It would accord with Policies CC1, CC2 and CC5 of the Local Plan 2015-2030 Volume One (LP). Amongst other things these policies require development to respond to its context and the area's character, be of a high-quality urban design and for advertisements to be focused in town centres, shopping parades and areas of commercial activity. Furthermore, I conclude that the proposed advertisement would not harm amenity and therefore it would not conflict with the above-mentioned policies.

Highway safety and public safety

9. Given the wide footpath the proposed additional street furniture at the edge of the pavement would not reduce pedestrian permeability. Nor would it be detrimental to drivers given that private cars are prohibited and that the bus lane is on the opposite side of the road to the appeal site. However, owing to the positioning of the hub at the roadside edge of the pavement and adjacent to the cycle lane, the proposal would reduce visibility between pedestrians and cyclists. I observed a number of pedestrians informally crossing the cycle lane, and given the reduction in visibility, it seems to me that the proposal would increase the potential for collisions between pedestrians and cyclists travelling in both directions, especially if pedestrians were to cross immediately next to the proposed hub.

10. Notwithstanding that all advertisements are intended to attract attention, the proposed advertisement with its changing illuminated display would have the potential to distract cyclists travelling eastbound, where concentration is required along a busy thoroughfare. The proposal therefore has the potential to result in conflict between pedestrians stepping out to cross the road and cyclists. The imposition of conditions to control the illumination levels and changing of images of the proposed advertisement would not adequately address the harm to public safety because the visibility of cyclists would still be adversely affected by the advertisement's associated structure.
11. Overall, I conclude that the proposal would be unduly harmful to highway safety and would conflict with LP Policies EC2 and CC5, which include a requirement for development proposals to demonstrate that adverse impacts on the transport network are avoided and that advertisements and associated structures do not adversely impact on pedestrian safety. As the proposed development would harm highway safety, it therefore follows that the proposed advertisement would harm public safety.

Planning Balance

12. National Planning Policy Framework (the Framework) Paragraph 118 indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communications networks. A range of services are included within the proposed hub, including access to online facilities, phone calls, wayfinding and device charging. It would be part of a network of apparatus using the latest digital communication technology, providing efficient, reliable, and free to use public services. There is also potential for the proposed interactive screen to be made available to the Council to promote initiatives, advertise public celebrations and to facilitate wayfinding. The integral defibrillator would provide important life-saving equipment and there is likely to be some economic benefit during the manufacture and installation phase.
13. These are all public benefits which count in favour of Appeal A. However, since there are other hubs and defibrillators nearby in the vicinity of the appeal site and across the borough, this limits the weight I afford to these benefits, which in practical terms would be modest. Furthermore, I have limited evidence to indicate that there is not a more sensitive location for a communication hub where similar public benefits could be gained without the harms identified. Accordingly, I give the public benefits arising from these matters only limited weight. Overall, even cumulatively, the sum of the public benefits of the proposals would not outweigh the harm to highway safety.

Conclusion

14. For the reasons given and having regard to all other matters raised, I conclude that Appeal A should be dismissed, and Appeal B should be dismissed.

F Harrison

INSPECTOR