



Appeal Decisions

Site visit made on 3 February 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal A Ref: APP/G2625/W/24/3348412

Pavement o/s 101 Wensum House, Prince Wales Road , Norwich, NR1 1DW

- 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 JCDecaux against the decision of Norwich City Council.
 - The application Ref is 24/00328/F.
 - The development proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.
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Appeal B Ref: APP/G2625/H/24/3348413

Pavement o/s 101 Wensum House, Prince Wales Road , Norwich, NR1 1DW

- 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 JCDecaux against the decision of Norwich City Council.
 - The application Ref is 24/00329/A.
 - The advertisement proposed is the installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.
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Decision

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

Preliminary Matters

2. The appeals relate to the same site and proposals that are fundamentally linked and raise similar issues. Although the regimes of planning permission (Appeal A) and advertisement consent (Appeal B) differ, I have dealt with the 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

Appeal A

3. The main issues in this appeal are:
 - the effect of the proposal upon highway safety, and;
 - the effect of the proposal on the character and appearance of the area, including its effect on the significance of Norwich City Centre Conservation Area and locally listed buildings.

Appeal B

4. The main issues in this appeal are the effect of the proposed advertisement on amenity and public safety.

Reasons

Highway and public safety

5. The proposal would be positioned in a manner not dissimilar to the linear rhythm of the existing street furniture including bus shelters, bins and signposts, that pedestrians have to navigate their way past. Although a busy area of public realm, there would continue to be sufficient room for pedestrians to comfortably pass between the frontage of the adjacent retail unit and the proposed hub. Furthermore, there would be sufficient space for pedestrians to comfortably pass those congregating at the proposed hub.
6. Accordingly, the proposed additional street furniture would not make this section of the busy thoroughfare a more awkward area for pedestrians to negotiate. Consequently, the proposal would not constrict the channel for movement in the surrounding public realm and would not cause inconvenience to users.
7. The proposed hub would be located close to the start of a one-way stretch of road and an informal pedestrian and cycle crossing point to a large island. A length of cycle lane is marked on the carriageway at the point it passes the appeal site, and shortly thereafter, there is a junction of cycle routes with the non-segregated route continuing along the carriageway, and a segregated route leaving to the right, across the large island.
8. Therefore, although the road is a one-way street at this point, there would be the potential for cyclists to move from the marked cycle lane on the left-hand side of the carriageway, across traffic, to exit to the right onto the segregated route. While not an inherently dangerous manoeuvre, such movement would nevertheless be a potential point of conflict and would require the full attention of drivers of vehicles, as well as cyclists themselves.
9. Furthermore, although marked as a cycle lane, I saw that pedestrians also seek to cross the road at this point, to make use of the traffic-free route across the large island.
10. The proposed hub would be large and located close to the edge of the carriageway at this point of conflict. It would conceal, to an extent, pedestrians seeking to cross on to the island from the vision of drivers of approaching vehicles and give rise to an increased risk of collisions.
11. Furthermore, the presence of a large hub with an illuminated digital advertisement set close to the carriageway, in close proximity to this point of potential conflict between cars, cyclists and pedestrians would also represent a source of distraction. Although it is stated that the advertisement would be illuminated to industry standards, this would be an isolated example within the immediate streetscene and would, as a result, appear as particularly prominent to drivers.
12. The proposal would therefore be harmful to highway and public safety. It would conflict with Policy DM30 of the Norwich Local Plan Development Management Policies Plan 2014 ('the DMPP') which states that development within spaces or streets that form part of the public realm will ensure that adequate clearance around the structure is available to allow the safe the passage of pedestrians and

other users. It would also conflict with Paragraph 117 of the National Planning Policy Framework ('the Framework') which states that development proposals should create places that are safe, minimise the scope for conflicts between pedestrians, cyclists and vehicles and avoid unnecessary street clutter.

Character, appearance and amenity

13. The appeal site is located within the City Centre Conservation Area ('CCCA'), a designation which includes much of the historic core of Norwich. The significance of the CCCA, insofar as it relates to these appeals, is derived from the historic street layout and the variety and number of historic buildings within the city centre. The appeal site specifically lies on Prince of Wales Road, to the west of the Grade II listed Foundry Bridge, and Norwich railway station.
14. The immediate area is commercial in nature. Buildings around the appeal site are generally modern, however the CCCA Character Appraisal identifies the area as a key gateway to the city centre and identifies positive views along the road towards the railway station to the east.
15. Although there is limited evidence before me in relation to them, there are a number of locally listed buildings to the west of the appeal site. However, it is notable that those buildings located closest to the appeal site are identified within the CCCA Character Appraisal as having a negative contribution to the character of the area.
16. Although the appeal site is located on an historic route and key gateway to the city centre, its immediate surroundings are predominantly modern in character, with areas of modern buildings of varying quality, modern public realm, and wide footways. The significance of the CCCA in this particular locality, is derived from the width of the street and its historic route rather than the age of buildings, and the proposal, which would be viewed in the context of existing bus stops, road signage and lighting columns would have a neutral effect upon this. The proposed advertisement would be a prominent feature, as I am not aware of any other similar structures in the area, however it would not be harmful in this modern context.
17. The proposed hub and advertisement would potentially appear in views towards locally listed buildings and the core of the CCCA located to the west, however these older buildings are located some distance away, and there are intervening features including road signage and mature trees, as well as a diverging road which would significantly filter such views. Together, these factors mean that the effect of the proposal upon the setting of these buildings, along with the significance of the wider conservation area would also be neutral.
18. The proposal would not harm the character and appearance of the area, or the significance of the CCCA or locally listed buildings. It would accord with DMPP Policies DM3 and DM9. Together, and among other factors, these policies require all development to have regard to the historic environment and take account of the contribution heritage assets make to the character of an area and enhance and respond to the overall quality of the area.

Other matters

19. Paragraph 119 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social

wellbeing. The Framework also seek to support the expansion of electronic communications networks. The proposed hub would incorporate a range of services including online access, phone calls, wayfinding and device charging. It would also form part of a wider network of apparatus 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 for public service messaging. The integrated defibrillator would provide important potentially lifesaving equipment.

20. These are all public benefits which count in favour of Appeal A. However, there is no evidence before me which would indicate that a less harmful site for the proposal could not be found which would deliver the same public benefits. Furthermore, it is likely that in a commercial city centre location, that alternative access to some of the stated benefits may already exist. These factors limit the weight that I afford the stated benefits of the proposal.
21. There is no suggestion that the proposal would harm the significance or setting of the Grade II listed Foundry Bridge and given the distance between the appeal proposals and its orientation with the illuminated advertisement only visible in views to towards the west, I have no reason to reach a different conclusion. As I am dismissing the appeal for other reasons, no harm in this respect could arise from my decision in any event.

Balance and conclusion

22. In respect of Appeal A, the proposal would harm highway safety. It would conflict with the development plan as a whole, and there are no material considerations which would outweigh this conflict. In the case of Appeal B, the proposal would harm public safety.
23. For the reasons given, and having regard to all matters raised, I therefore conclude that both Appeal A and Appeal B should be dismissed.

C Harding

INSPECTOR