
Appeal Decisions

Site visit made on 21 February 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal A Ref: APP/L5810/W/24/3353769

Pavement outside 13 King Street, Richmond, London TW1 3SD

- 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 Ollie Smith of the Urban Innovation Company (UIC) Limited against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref is 24/1917/FUL.
 - The development proposed is the installation of “Pulse Smart Hub” with integrated digital screens.
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Appeal B Ref: APP/L5810/H/24/3353770

Pavement outside 13 King Street, Richmond, London TW1 3SD

- 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 Mr Ollie Smith of the Urban Innovation Company (UIC) Limited against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref is 24/1918/ADV.
 - The development proposed is the installation of “Pulse Smart Hub” with integrated digital screens.
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Decisions

Appeal A Ref: APP/L5810/W/24/3353769

1. The appeal is dismissed.

Appeal B Ref: APP/L5810/H/24/3353770

2. The appeal is dismissed.

Procedural matters

3. Appeal A seeks planning permission for a new communications hub on the site whereas Appeal B relates to 2 integrated back-to-back LED screens on the hub to display advertisements. Although there are two separate appeals before me to determine, the main issues raised in each case are similar. Therefore, I have assessed the proposals together with distinctions drawn between the appeals, where appropriate.
4. In Appeal B, reference is made to various planning policies and guidance, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of Appeal B, the planning policies and guidance have not therefore by themselves been decisive.

5. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published with an amendment issued on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of these appeals.

Main issue

6. The Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. The main issue in both appeals is, therefore, the effect of the proposal on the character, appearance and amenity of the local area.

Reasons

7. The proposed hub would occupy a prominent position in the footway adjacent to Kings Road within an area that has a strong retail and commercial character and includes a wide range of buildings. There are several properties close to the site that are listed buildings or Buildings of Townscape Merit (BTM). A BTM designation signifies that the building, or the group to which it belongs, has considerable visual, architectural or historic merit even though it is not statutorily listed. The site falls outside the Twickenham Riverside Conservation Area (TRCA) and the Queens Road Conservation Area (QRCA).
8. The new hub would be free-standing, modern in style with an integrated digital screen on each side upon which static advertisements, changing on a timed basis, would be shown. The new addition would be located within a busy section of King Street that includes shop fronts, street lighting columns, signage and a pedestrian crossing with traffic lights. The immediate context of the site is, therefore, urban and commercial within which both roadside features and advertisements are both familiar and expected to most people.
9. The proposed hub would, however, be sited reasonably close to an existing electronic communications apparatus in the footway on the same side of the road to the site, just outside 3-5 King Street. This existing 'hub' includes a defibrillator on one side and a digital screen that shows advertisements on the other. With two similar hubs, each being significant in size with a screen facing southwest bound users of King Street, the proposals would be a highly conspicuous and a repetitive feature, giving rise to an excessive advertisement display in the street scene. By placing an additional hub among the existing street furniture to one side of the site, which includes cycle stands, a service box, bins, benches, and raised planters as well as the existing hub, the proposal would add to visual clutter in the streetscape.
10. That the new hub would display images on digital screens would visually accentuate its presence especially given their position at 'eye level' and when illuminated after dark. On the immediate approaches to the site, in both directions, the new advertisements, due to their low-level position and illumination, would appear overly dominant and visually intrusive even considering the street lit urban setting of the site. That the level of brightness of the advertisements would be controlled would not satisfactorily mitigate their harmful visual impact.
11. Being noticeable obviously reflects a key purpose of the new hub and the advertisement displays, which is to draw the eye of people passing by. In doing so, I have no doubt that the proposals would be effective given their prominence within a busy commercial area and adjacent to a well-used highway. However, this

consideration must be balanced against the need to ensure that advertisements do not have a negative impact on the appearance of the built environment. The Framework 2024 states that the quality and character of places can suffer when advertisements are poorly sited. For the reasons given, that would be the case with the proposals before me.

12. The appellant places some reliance on the decision to issue prior approval for a telephone kiosk on the site in January 2018, which was allowed on appeal. That kiosk was not installed, and the approval has now time expired. Compared to the permitted kiosk, the proposal would be slimmer and occupy less space within the footway. However, this appeal decision appears to pre-date the decisions to allow the existing apparatus, and the advertisement display outside Nos 3-5, which is a relevant consideration in this case. To reiterate, it is the cumulative effect of the new hub and the existing apparatus and display outside Nos 3-5 on the character and amenity of the area that is objectionable. As such, I am not convinced that the circumstances 'on the ground' are the same or very similar to those that were in place when the prior approval decision for the kiosk on the site was taken. In any event, each proposal should be assessed on its own merits, which I have done.
13. As it passes the site, King Street has a wide carriageway and a central reservation. During the mid-afternoon site visit, there was a steady flow of traffic along this highway in both directions. Given the resultant visual separation between the proposals on one side of King Street and the listed buildings and BTMs that are mainly on the other, there would be no harm to the setting of these properties. Similarly, the restricted intervisibility between the site and the TRCA and QRCA would ensure that the proposals would not detract from their settings. As a result, the character, appearance and setting of these designated and non-designated heritage assets would be preserved.
14. Nevertheless, I conclude on the main issue that the proposal in each appeal would cause significant harm to the character, appearance and amenity of the local area. There is, therefore, a conflict with the policies and guidance cited by the Council insofar as they aim to ensure that proposals are compatible with local character and ensure that advertisements do not materially harm the character of streets.
15. The public benefits of the appeal scheme are numerous, and all are noted. These benefits include access to the latest communications technology; the opportunity to charge devices and to publicise information, with local people and organisations given at least 5% of total screen time free; and the provision of a defibrillator and emergency assistance. However, these considerations are insufficient to outweigh the significant harm that I have identified.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that each appeal should be dismissed.

Gary Deane

INSPECTOR