



Appeal Decision

Site visit made on 28 February 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal A Ref: APP/X5210/W/24/3354413

Pavement outside 133 Clerkenwell Road, London EC1R 5DB

- 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, Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/3310/P.
 - The development proposed is the installation of a "Pulse Smart Hub" with integrated digital screens.
-

Appeal B Ref: APP/X5210/Z/24/3354414

Pavement outside 133 Clerkenwell Road, London EC1R 5DB

- 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 Mr Ollie Smith, Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/3446/A.
 - The advertisement proposed is the installation of a "Pulse Smart Hub" with integrated digital screens.
-

Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. The pair of appeals relate to the same overall proposal. They differ only in that Appeal A is for planning permission for the proposed hub structure and Appeal B is for express advertisement consent for the digital display screens. I have considered each part of the proposal on its individual merits. However, to avoid duplication I have dealt with the two parts of the proposal together, except where otherwise indicated.
3. In respect of appeal B the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Main Issues

4. The main issues in respect of Appeal A are:
 - (i) the effect of the proposal on the character and appearance of the street scene and whether it would preserve or enhance the character or appearance of the Hatton Garden Conservation Area, and
 - (ii) the effect of the proposal on highway safety, public safety and crime.
5. The main issues in respect of Appeal B are the effects of the proposal on the amenity of the area and on public safety.

Reasons

Character Appearance and Amenity

6. The appeal site comprises an area of pavement next to the kerb in front of 133 Clerkenwell Road and close to the busy junctions with Gray's Inn Road and Theobalds Road. The site is within a section of pavement that includes a row of mature trees, 3 cycle stands, a wayfinding sign, traffic lights and signage posts. At the time of my visit No.133 had been demolished and the construction of a replacement mixed-use building was underway.
7. The site is within the Hatton Garden Conservation Area (CA) which covers approximately 20 hectares west of Farringdon Road. Its historic character derives largely from its industrial, commercial and residential buildings of the late nineteenth to mid twentieth centuries, combined with an intricate street pattern. There are a number of buildings located close to the appeal site which are identified in the Hatton Garden Conservation Area Appraisal and Management Strategy Statement (adopted September 2017) as making a positive contribution to the Conservation Area. These include, Cavendish Mansions, 170-178 Clerkenwell Road, Gray's Inn Buildings, Rosebery Avenue and the grade II listed, Yorkshire Grey Public House, diagonally opposite the appeal site at 2-6 Theobalds Road. These buildings and the mature trees create an attractive urban space that makes a positive contribution to the character and appearance of the CA, a matter to which I attach significant weight.
8. The proposal would comprise the installation of an approximately 2.54m high by 1.28m wide by 0.35m deep communications hub with its larger sides at right-angles to the road. It would be made from a mix of dark grey anodised metal, fiberglass and laminated glass and approximately 1.66m high by 0.93m wide illuminated digital screens would be integrated into the main elevations. These would display static advertising content that would change no more frequently than every 10 seconds. Luminance levels during hours of operation are proposed to be limited to 600 cd/m² (dusk to dawn) and daytime levels adjusted automatically up to a maximum potential brightness of 2000 cd/m². The hub would be capable of providing free Wi-Fi and phone calls with charging facilities, wayfinding / mapping services, local information provision, 999 emergency service and safety buttons, built-in defibrillator and nasal naloxone opioid antagonist.

9. Prior approval was granted at appeal in 2018 for the installation of a public telephone kiosk at the appeal site¹. This approval has since expired. The 2018 appeal was considered in the context of the Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) rather than against development plan policies. By contrast Appeal A needs to be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, the current proposal is materially different from that approved in 2018: most notably it is a wider structure with digital display screens as opposed to a kiosk with no advertising. For these reasons I attribute limited weight to the prior approval for a telephone kiosk approved at appeal in 2018.
10. I note that the proposed hub would have a smaller footprint than a traditional telephone kiosk. However, it would be a good deal wider than most call boxes and in terms of its size and appearance would be more akin to an end wall of a bus shelter than a call box. It would be sited a short distance from the edge of the road and would therefore be highly visible element in views looking along Clerkenwell Road and Theobalds Road and from Gray's Inn Road. In addition, this overtly modern structure would be viewed in the context of a group of substantial mature trees. By comparison to the slim and low level street furniture in the area the hub would be a bulky, prominent and incongruous addition to the street scene. I therefore conclude that due to its siting, size and appearance the hub would have an unacceptable effect on the appearance of the street scene and would result in substantial harm to, and fail to preserve, the character and appearance of the CA.
11. The Council has suggested that a maintenance plan should be secured via a legal agreement. I concur that a plan of this nature is necessary as, over a period of time, it is likely that the appearance of the smart hub would deteriorate due to age, use and possible vandalism. Without a maintenance plan in place, there is a strong possibility that due to deterioration over time the hub would cause further harm to character and appearance of the area in the future. A legal agreement of this nature would therefore be necessary to make the development acceptable in planning terms.
12. For the reasons given above the proposal that is the subject of Appeal A therefore fails to accord with Policies D1 and D2 of the Camden Local Plan (2017) (CLP) which, amongst other matters, seek to ensure that new development, is well designed and does not harm the character and appearance of an area.
13. Due to their size, siting and appearance the proposed digital display screens would be highly visible and visually intrusive features in the street scene that would add to the harm identified above. This impact would be exacerbated by the fact the digital screens would be sited in the shadow of mature trees and a tall neighbouring building to the south thereby intensifying the prominence of the illumination. The proposed advertisement, the subject of Appeal B, would therefore result in unacceptable harm to visual amenity.
14. I have taken into account CLP Policies D1, D2 and D4 which, amongst other matters, seek to protect amenity and are therefore material to Appeal B. Given I

¹ ref. APP/X5210/W/18/3195374

have concluded that the proposed advertisement would harm amenity, it follows that it conflicts with these policies.

Highway Safety, Public Safety and Crime

15. The proposed hub would be sited a short distance from a pedestrian crossing and a heavily trafficked crossroads. It would obscure views from vehicles approaching the junction towards pedestrians on the pavement intending to cross the road and reduce pedestrians' visibility of traffic approaching the junction, particularly cyclists close to the kerb. In addition, the illuminated signage has the potential to distract drivers' attention from the nearby traffic lights. Due to its size, siting and content, I consider the overall proposal to have potential to result in an increased and unwarranted increase in the probability of physical harm to road users and pedestrians.
16. Metropolitan Police Crime Prevention Design Advisor has objected to the appeal proposals for a number of reasons including that the on-street provision of wi-fi, free calls and phone charging could assist those intent on criminal activity in the local area and that the size of the hub would enable it to be used to screen criminal activity, including stealing phones that are being charged. Based on the information before me, I see no reason to take a contrary view on this matter.
17. For the reasons set out above I conclude that due to their size, siting and appearance the appeal proposals would result in unacceptable levels of harm to highway and public safety and are contrary to the aims of CLP Policies G1, C5, C6 and T1 which seek to ensure that new developments prioritise walking and cycling routes and that they do not result in harm in relation to safety and security.

Other Matters

18. The appellant has identified a range of potential public benefits that would arise from the proposed hub including free ultrafast Wi-Fi, free phone calls to landlines, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities. Many of these features of the proposal can be accessed by most members of the public by other means and therefore the public benefits are limited. I recognise that the inclusion of a defibrillator is a potential benefit although there is no evidence before me to indicate an absence of such facilities in this area. Whilst the inclusion of many public facilities is laudable, there is no mechanism before me to ensure these features would be adequately maintained and retained into the future, so those benefits that may exist could be short-lived. I therefore conclude that the public benefits outlined by the appellant do not outweigh the clear and substantial harm identified above.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that appeals A and B should fail.

S Poole

INSPECTOR