



Appeal Decisions

Site visit made on 29 May 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal 1A Ref: APP/A5270/W/24/3352460

Pavement Adjacent to 25 New Broadway, Ealing, London W5 5AW

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 242882FUL.
 - The development proposed is the installation of a "Pulse Smart Hub" with integrated digital screens.
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Appeal 1B Ref: APP/A5270/H/24/3352461

Pavement Adjacent to 25 New Broadway, Ealing London W5 5AW

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 242883ADV.
 - The advertisement proposed is two LED digital illuminated displays, one on either side of a "Pulse Smart Hub".
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Decision

Appeal 1A: Ref: APP/A5270/W/24/3352460

1. The appeal is dismissed.

Appeal 1B: Ref: APP/A5270/H/24/3352461

2. The appeal is dismissed.

Preliminary Matters

3. Appeal 1A relates to a refusal for planning permission for the "Pulse Smart Hub", and Appeal 1B is in respect to the Council's refusal to grant consent for the advertisement on the "Pulse Smart Hub". To avoid duplication, I have dealt with the two schemes together, except where otherwise indicated. I have also adopted the appellant's appeal references. I have considered each proposal on its individual merits.
4. I have amended both appeal addresses shown on the application form to show the correct street name. I have also changed the development description for Appeal 1B to more accurately describe the proposed advertising.
5. With respect to Appeal 1B the Regulations regarding advertisements state that control may only be exercised in the interests of amenity and public safety. While

not in themselves decisive in Appeal 1B, I have, where relevant, taken into account policies cited in this appeal as a material consideration.

Main Issues

6. The main issues in the determination of Appeal 1A are the effect of the proposal on the character and appearance of the area and highway safety.
7. The main issues in the determination of Appeal 1B are the effect of the proposal on the amenity of the area and public safety.

Reasons

Character, Appearance and Amenity

8. The appeal site is located on the pavement in front of 25 New Broadway, close to the junction with Bond Street and within the Ealing Town Centre Conservation Area (ETCCA).
9. The proposal would consist of a free-standing "Pulse Smart Hub" with two integrated LED digital illuminated displays, one on either side of the hub (Hub). It would be located to the edge of the carriageway and would provide a range of free communication, digital connectivity, and emergency and lifesaving services and equipment.
10. New Broadway is a wide and busy street. It has wide pavements and along its length there are typically parades of shops, offices and other service businesses at ground level with residential above. Numerous street trees are evident along the pavements and there is a significant amount of street furniture including telecommunication units (some with advertising), a post box, service cabinets, bus shelters, planters, bike rails, bins, road signs, streetlights and junction and pedestrian crossing signals.
11. The ETCCA Character Appraisal 2007 details that New Broadway is within the Shopping Streets Sub Area. This area is identified as being at the heart of the old Victorian commercial and civic centre and that it has a very diverse architectural character with office buildings and shopfronts from the 19th and early 20th century woven into by later post-war and more recent developments. New Broadway gets its significance from its straight alignment, wide road and pavements and the range of buildings along it including the Grade II Listed Church of Christ the Saviour, 1930's shopfronts and Edwardian and Victorian frontages (some of which are Locally Listed buildings) and the Grade II Listed Ealing Town Hall. It also includes reference to the 1905 Sandringham Parade with its glazed ironwork arcade in front of the shops which the proposal would be directly opposite. The appraisal raises a variety of detrimental impacts and threats to the ETCCA and these include 'street furniture not being in character' and 'various service boxes and facilities acting as obstacles and competing visually with buildings, planting and the already jumbled and bold shopfront advertising'.
12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.
13. Due to its combined 1.28 metre (m) width, 2.54m height and solid nature, the proposed Hub would, even with its thinner and streamline form, appear as a large

and prominent structure in the pavement. Its large, illuminated digital displays would, irrespective of the images displayed being static, draw the eye and significantly add to its prominence and dominance in the street. Its isolated form and edge of pavement positioning would also make the advertising on the displays significantly more prominent than that of the shop fronts.

14. Even with its contemporary design and edge of carriageway positioning, the proposal would, due to a lack of separation with the adjacent shop buildings and glazed ironwork arcade, not complement the historical context of these but visually compete with them. It would also add to the already extensive street clutter that exists in the ETCCA.
15. Prior approval for a telephone kiosk with a larger footprint in a similar location to the proposal was given in 2017. This kiosk was not installed, and the prior approval has lapsed. The kiosk did not include advertisements, was open on two sides, had reinforced laminated glass panels and only a public payphone was fitted. While it is contended that the kiosk would have been a bulkier structure to the proposal, little evidence other than a size comparison has been provided to demonstrate this. The kiosk would have likely been a lighter, more open and transparent structure compared to the proposal and this would have made it less prominent and less visually intrusive. Furthermore, there is little evidence provided showing the street furniture present in 2017 was comparable with the current situation. The kiosk is therefore not directly comparable to the proposal, and it does not lead me to a different conclusion on the appeals before me. In any event I have determined the appeals on their own merits.
16. For the above reasons, the proposal would harm the character, appearance and amenity of the area, including the ETCCA. It would also not preserve or enhance the character or appearance of the heritage asset. The National Planning Policy Framework (Framework) advises 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.
17. Notwithstanding this, in the case of Appeal 1A, the Framework also states that the harm should be weighed against the public benefits of the proposal subject to the designated heritage asset's significance. The Framework sets out levels of potential harm as amounting to substantial, total loss or less than substantial. In this case, as the impact of the proposal would be limited and localised in the ETCCA as a whole, then I consider the level of harm caused to its significance would be less than substantial.
18. The proposal would provide free access to a built-in defibrillator and Nasal Naloxone opioid antagonist equipment and would provide a number of free public services including access to emergency and 999 services, phone calls, Wi-Fi, device charging and wayfinding facilities. It would also include Smart City Platform technology allowing open-source data collection and sharing, air quality and environmental monitoring, built-in CCTV monitoring and an allowance for free community and public service advertising. The hub would also have a low power consumption and boost wireless network connectivity. It would be regularly cleaned, maintained and managed to ensure the above services and equipment are available at all times and to reduce misuse.

19. It would therefore support national and local policies for the roll out of digital infrastructure and provide some social, economic and environmental public benefits. However, in all likelihood, due to the extensive commercial and retail nature of the street and surrounding area, many of these benefits would be expected to already be available. Little substantive evidence to show this is not the case has been provided. Furthermore, other than advising that a rigorous site selection process was undertaken based on a digital and connectivity strategy with some general assessment criteria listed, little detailed explanation as to why the proposal should be in this location has been provided. As such, I attribute limited weight to the public benefits, and they would not outweigh the great weight I have attached to the designated heritage assets. Moreover, there is also no clear and convincing justification for the harm to the significance of the designated heritage asset and the proposal would not comply with the Framework.
20. Further to the above, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings that special regard is paid to the desirability of preserving the building or its setting. In this regard given the general visual breaks provided by the street trees and the road infrastructure and separation that exists, the proposal would not harm the special interest and setting of the identified Grade II Listed Church of Christ the Saviour or the Grade II Listed Ealing Town Hall. As such they would be preserved by the proposal. However, this would be a neutral factor which would not justify or outweigh the harm I have found to the character, appearance and amenity.
21. It is indicated that the proposal would involve no significant ground excavations. However, this does not address the prominent and visual intrusion the proposal would have and does not change my view on the harm it would cause.
22. Accordingly, for Appeal 1A the proposal would harm the character and appearance of the area, including the ETCCA. It would conflict with Policies 4C, 7.4, and 7C of the Ealing Development Management, Development Plan Document 2013 (DMDPD) and Policies HC1, D3, and D8 of the London Plan 2021 (London Plan). Collectively these seek to ensure that new development, amongst other matters, is to a high quality, respects and complements the area and preserves the significance of heritage assets.
23. In relation to Appeal 1B, the proposed advertisement would have an unacceptable and harmful effect on amenity. While the policies referred to in Appeal 1A do not relate directly to advertisements and are not determinative, I have considered and found the proposal would conflict with Policies 7.4, and 7C of the DMDPD and Policies HC1 of the London Plan.
24. Reference is made in both appeals that the proposal conflicts with Policies D1, D4, and SD6 of the London Plan. However, with Policy D1 relating to plan making, Policy D4 covering strategic design review and analysis, and Policy SD6 primarily relating to town centres and high streets land use, these policies are not directly relevant to the main issue.

Highway and Public Safety

25. With its existing street activity including street vendors, shop displays, bus stops and various advertising boards along its length, New Broadway has a variety of distractions for vehicle drivers and pedestrians using it. However, these are not

uncommon for a busy commercial and shopping street and, with its isolated form and static advertising displays, the proposal would not be a significant change or harmful distraction to vehicle drivers or pedestrians.

26. While it would be next to a signalised junction with cycle waiting facility and pedestrian crossing, due to the junction only requiring straight-on manoeuvring and being limited in complexity, there is little to suggest the proposal would adversely affect vehicle drivers' navigation of it. Moreover, the proposal would not obstruct sightlines to and from the junction or its associated pedestrian crossing.
27. While the proposal would restrict vehicle drivers from seeing pedestrians on the pavement and pedestrians seeing vehicles, this would be very localised. As no formal street crossing exists directly at the proposal's location then, in all likelihood, pedestrians crossing at this location would be low and highway and public safety would not be unacceptably affected.
28. Consequently, for Appeal 1A the proposal would not compromise highway safety and it would not conflict with Policy T4 of the London Plan which, amongst other matters, seeks for development not to increase road danger.
29. With respect to Appeal 1B, the proposal would not unacceptably affect public safety. While Policy T4 of the London Plan does not relate directly to advertisements and is not determinative, I have considered and found the proposal would not conflict with this policy.

Other Matters

30. In support of the appeal, reference is made to a variety of appeals¹ and the supporting information submitted with these. However, the appellant has provided little detailed commentary to show how these appeals are directly comparable with the appeal before me. Indeed, as I reviewed them, I saw little to suggest any of them had comparable site conditions or heritage assets significances to that of the appeal before me. In broad terms, appeals APP/J4423/W/24/3352442, APP/J4423/H/24/3352443, APP/J4423/W/24/3352448 and APP/J4423/H/24/3352453 were not in a conservation area. Character, appearance and amenity were not raised as a concern in appeals APP/J4423/W/24/3352446 and APP/J4423/H/24/3352447. In the case of appeals APP/N4720/W/24/3352455 and APP/N4720/H/24/3352457, the site was pedestrianised and had a modern shop front. For appeals APP/N4720/W/24/3352458, APP/N4720/H/24/3352459, APP/M9584/W/24/3352469, APP/M9584/H/24/3352470, APP/A5270/W/24/3352463, APP/A5270/H/24/3352464, APP/M9584/W/24/3352465 and APP/M9584/H/24/3352467 were dismissed for various reasons including character and appearance, amenity, street clutter and highway and public safety. Appeals APP/A5270/W/24/3352460 and APP/A5270/H/24/3352461 are those being determined in this decision. The listed appeals do not set any specific precedent. As such, they do not change my view on the harm the proposal would cause.

¹ APP/N4720/W/24/3352455 and APP/N4720/H/24/3352457, APP/N4720/W/24/3352458 and APP/N4720/H/24/3352459, APP/J4423/W/24/3352442 and APP/J4423/H/24/3352443, APP/J4423/W/24/3352448 and APP/J4423/H/24/3352453, APP/J4423/W/24/3352446 and APP/J4423/H/24/3352447, APP/A5270/W/24/3352460 and APP/A5270/H/24/3352461, APP/A5270/W/24/3352463 and APP/A5270/H/24/3352464, APP/M9584/W/24/3352469 and APP/M9584/H/24/3352470 and APP/M9584/W/24/3352465 and APP/M9584/H/24/3352467.

31. Reference is made to a network of Pulse Smart Hubs being permitted and successfully installed in Belfast. However, full details of the selection and assessment process for the location of these hubs has not been provided. Nor has a comparison been provided to show the effects on the significance of any heritage assets were the same as the proposal. As such I cannot be sure the Belfast example is directly comparable to the appeal before me. The example therefore does not change my view on the harm I have found.
32. Various case law on the need for consistency in decision making are included in the appeal documents submitted by the appellant. However, little supporting commentary on the reason these have been included has been provided. While consistency in decision making is important, I have approached the matter afresh and have fully considered the evidence presented. I therefore see no reason why inconsistencies in decision making would occur in the determination of the appeal.

Conclusion

33. I have found significant harm to the character, appearance and amenity of the area including the ETCCA. While the proposal would not unacceptably affect highway and public safety, this lack of harm carries neutral weight.
34. For the reasons given above and having had regard to other matters raised, Appeal 1A and Appeal 1B should be dismissed.

J Symmons

INSPECTOR