



Appeal Decisions

Site visit made on 10 June 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2025

Appeal A Ref: APP/H5390/W/24/3357922

Pavement outside Brisbane House, White City Estate, Shepherds Bush, London W12 7AF

- 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 Hammersmith and Fulham.
 - The application Ref is 2024/01955/FUL.
 - The development proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/H5390/H/24/3357923

Pavement outside Brisbane House, White City Estate, Shepherds Bush, London W12 7AF

- 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 Hammersmith and Fulham.
 - The application Ref is 2024/01956/ADV.
 - The advertisement proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There are 2 appeals concerning applications for planning permission and advertisement consent for a smart hub with integrated advertisement screens. Although the appeals are determined under separate legislation, they are intrinsically linked. Therefore, for the sake of expediency, and to avoid duplication, I have dealt with both appeals in the same decision letter.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) confirm this approach. The development plan policies referred to by the Council in the respective decision notice are therefore not determinative with regards to the advertisement, but I have taken them into account as a material consideration.

Main Issues

5. The main issues are the effects of the siting of the hub on pedestrian and cyclist mobility and display of the advertisements on public safety.

Reasons

6. The appeal site is located on a public footpath situated adjacent the A40 Westway road. The path is wider than others in the area and I understand that this is because it is designed for the use of both pedestrians and cyclists. Other than lampposts, there did not appear to be any other elements of street furniture in the vicinity at the time of my site visit, with a bus stop and utility cabinet located some way to the east. It was therefore clear of most obstructions and conducive to its purpose for joint pedestrian and cyclist use. A pedestrian controlled crossing with traffic lights is located close to the proposed site of the hub.
7. The proposed smart hub would be of some 2.5 metres (m) height, 1m width and 0.35m depth with integrated large advertisement screens to the front and rear and utilities to either side.
8. The proposed site plan¹ demonstrates that the location of the hub would leave a distance of some 3 metres (m) of footpath to the boundary of the housing development to the south. My attention is drawn to the Planning Guidance Supplementary Planning Document (the SPD) (February 2018) within which key principle TR29 advises a minimum width of 3.5m of footway should remain clear and unobstructed in town centres and 1.8m outside of town centres. It is not specified which standard applies in this case, although from my observations on the site visit the area did not display typical town centre characteristics. On the balance of probability and in the absence of substantive reasoning, the 1.8m distance should likely apply and the remaining unobstructed width would be sufficient for pedestrians and cyclists to pass one other safely and efficiently even in the event of wheelchair users also passing the hub.
9. The hub would be positioned close to the pedestrian crossing. The A40 is three lanes wide in either direction and at the time of my site visit the road was moderately trafficked. For motorists travelling west approaching this crossing, the advertisement would be in clear view lining the road with a 0.6m setback. On approaching the crossing, the advertisement screen would be a clear and distracting element for motorists, particularly in hours of darkness. This would increase the threat of collisions between other vehicles and pedestrians or cyclists using the crossing and pose an unacceptable risk to public and highway safety, despite the proposed controls relating to lighting and changing imagery.
10. Taken together, although I have found no harm to pedestrian convenience through a reduced footway width, the proposal would harm public safety by way of increased risk of vehicle, pedestrian and/or cyclist collision caused by the advertisement display of the hub. This would be contrary to the regulations and policies T3 and DC10 of the LP, policies T1, T2, D5 and D8 of the London Plan (adopted March 2021) and guidance in the SPD. Together, these seek to ensure, among other things, that the public realm is well-designed and safe

¹ Drawing Number: HAF-WCE/2024/03 Rev A

Other Matters

11. My attention is drawn to a previous proposal at the same location for a hub and integral advertisement screen which was allowed on appeal² in 2018. I understand that the 2018 hub was not implemented but the proposal before me is taller, has less depth and is lightly less wide with a more modern design generally. I have had due regard to this in my assessment of the proposal.
12. Consistency in decision making is important, as the various legal judgements that the appellant has provided highlight. Be that as it may, it is also incumbent on me as decision maker to form my own view. Moreover, the Council did not refuse the applications based on their impact on the character and appearance or visual amenity of the area, while the extract of the appeal decision provided indicates that this was made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Under this procedure, the principle of the development is granted through the GPDO itself as opposed to the appeals before me which comprise a refusal of planning permission and express consent for an advertisement. As such, this does not convince me that the proposals should be allowed based on previous appeals alone.

Conclusion

13. I have concluded that the proposal would harm public safety in the area due to possible distractions to road users increasing the risk of collision with other vehicles and/or pedestrians and cyclists. As such, it would conflict with the development plan as a whole and the Regulations. Both appeals are therefore dismissed

C McDonagh

INSPECTOR

² Appeal Ref: APP/H5390/W/17/3184530