



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/24/3357920

Pavement adjacent to Shepherds Bush Library, Wood Lane, Shepherds Bush, London, W12 7BF

- 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 2024/01953/FUL.
 - The development proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/H5390/H/24/3357921

Pavement adjacent to Shepherds Bush Library, Wood Lane, Shepherds Bush, London W12 7BF

- 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 2024/01954/ADV.
 - The advertisement proposed is Installation of "Pulse Smart Hub" with integrated digital screens.
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Decision

1. Appeal A is allowed and planning permission is granted for the installation of "Pulse Smart Hub" with integrated digital screens at the pavement adjacent to Shepherds Bush Library, Wood Lane, Shepherds Bush, London, W12 7BF in accordance with the terms of the application, Ref 2024/01953/FUL, subject to the conditions set out in the attached schedule of conditions appended to this decision letter.
2. The appeal is allowed and express consent is granted for installation of "Pulse Smart Hub" with integrated digital screens as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and additional conditions set out in the schedule of conditions appended to this decision letter.

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 as follows:
 - For both Appeals – the effects of the proposals on the character and appearance/amenity of the area; and
 - For Appeal A only – the effect of the siting of the hub on pedestrian and cyclist convenience and mobility.

Reasons

Character and Appearance/Amenity

6. The appeal site is located to the rear of the footpath adjacent Wood Lane to the west and the Shepherds Bush library and Westfield shopping centre to the east. The local area is generally of mixed commercial and residential uses with a distinct split to either side of Wood Lane.
7. The proposed smart hub would be of some 2.5 metres (m) height, 1m width and 0.35m depth with large advertisement screens to the front and rear and utilities to either side. It would be located next to a bicycle stand, while other street furniture in the area includes lampposts, signage and litter bins.
8. It was clear on my site visit that there have been extensive improvements to the public realm in the vicinity of the appeal site. Despite the scale of the shopping centre and library, there are large setbacks from the road which has created an open and spacious public realm in the vicinity which I found to be a pleasant environment at the mid-afternoon hour of my visit. I therefore take on board the Council's concerns that the proposal would result in additional elements in the street scene and that the size of the hub with its large display screens would be conspicuous in the area.
9. However, the addition of the hub would not create 'clutter' in my judgement. The design of the hub would be utilitarian, but its height would be similar to the nearby bus stand. It would be seen in the context of modern buildings such as the library and shopping centre and its location next to existing bike stands would allow it to be viewed against existing street furniture rather than a stand-alone element. Invariably the proposal would introduce an additional feature into the street scene, although the slim profile and limited footprint of the hub would cause a limited loss of space and its display screens would not appear overly prominent in the context of the vicinity.
10. Based on the foregoing, the proposal would not harm the character and appearance/amenity of the area. This would accord with policies DC1, DC9 and DC10 of the Hammersmith and Fulham Local Plan (LP) (adopted February 2018).

These seek, among other things, to ensure that the siting and appearance of proposed telecommunications apparatus and associated structures should be compatible with the scale and character of existing development.

Pedestrian and Cyclist Convenience and Mobility

11. The proposed site plan¹ demonstrates that the location of the hub would leave a distance of some 4m of footpath to the side of the library building. 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.
12. The Council advises that the footpath width is 5m between the appeal site and the library wall. However, it goes on to state that there are private and public rights of way which are adjoined in this location and that if only publicly maintained rights of way are included, this unobstructed width is reduced to 2.7m, falling below the recommended 3.5m width.
13. However, key principle TR29 does not differentiate between public and private footpaths and although there is a clear visual demarcation between the two in the form of differing paving types, there is no physical break or barrier between them. Although I have no reason to doubt that the area can become very busy due to local land uses, I see no reason why the change of public to privately owned footpaths would restrict pedestrians when travelling past the hub, nor have I been presented with any guidance which would restrict the assessment of unobstructed footpath to publicly maintained surfaces only.
14. I am also directed to the London Cycling Design Standards, which evidently require a separation distance of 1.2m between each bike stand to ensure safe access and buffer space to place bikes. There are concerns from the Council that the distance of the hub to the nearest bike stand would reduce its usability. I have not been provided with this guidance and the 1.2m distance is ostensibly advised between bike stands. There is nothing before me to substantiate the Council's concern in this regard and as such I see no reason as to why this would prohibit the use of the nearest rack of the parking area.
15. Based on the foregoing, the proposal would not negatively impact upon pedestrian or cyclist mobility or convenience. This would accord with policies T2 and D8 of the LP, policies T1, T3 and DC10 of the London Plan (adopted March 2021) and advised in the SPD. These seek, among other things, to ensure that the public realm is well-designed and safe.

Conditions

16. Both the Council and appellant have provided a list of suggested conditions for Appeal A in the event that the appeal is allowed. In the interests of certainty, with regards to Appeal A I have imposed standard conditions relating to the commencement of the development and the approved plans. A further condition to ensure the hub installed accords with the materials and colours specified in the proposed elevations drawing is unnecessary given these details are already secured in the approved plans condition. A further condition to agree a management plan to detail anti-social behaviour prevention and maintenance of

¹ Drawing Number: HAF-WL2/2024/03 Rev A

the hub is also suggested by other parties and is considered necessary to ensure crime prevention and the character and appearance of the area.

17. In respect of Appeal B, the Council has not suggested any conditions, albeit the five standard conditions as set out in the Regulations will apply as confirmed in the decision paragraph. The appellant has suggested conditions in addition to the five standard conditions. This includes conditions to secure maximum illumination levels, no moving imagery, minimum time intervals for the changing of advertisements, prohibition of imagery which would resemble traffic signals, no music or audible noise and to ensure if the advertisement screens are not working as they should, that the screens are turned off. All of these are necessary in addition to the standard conditions to ensure the amenity of the area and public safety.

Conclusion

18. Appeal A would accord with the development plan taken as a whole and there are no other material considerations to suggest that the decisions should be made other than in accordance with it. Appeal B would not harm the visual amenity of the area or public safety. Therefore, for the reasons given above, and having regard to all other matters raised, both appeals should be allowed.

C McDonagh

INSPECTOR

SCHEDULE OF CONDITIONS – APPEAL A

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

Site Location Plan: Drawing Number HAF-WL2/2024/01 Rev A

Proposed Site Plan: Drawing Number HAF-WL2/2024/03 Rev A

Proposed Elevations/Technical Specifications: Drawing Number HAF-WL2/2024/04 Rev A

3. Prior to the first operation of the development hereby permitted a management plan setting out the means of dealing with vandalism, graffiti and/or malfunctioning shall be submitted to, and agreed in writing with, the local planning authority for its approval. The development shall thereafter be operated and managed in accordance with the approved plan.

SCHEDULE OF ADDITIONAL CONDITIONS – APPEAL B

1. The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 2000 candelas per square metre during daylight hours and 600 candelas during the hours of darkness.
2. The digital display shall not display any moving, or apparently moving, images (including animation, flashing, scrolling, three dimensional, intermittent or video elements).
3. The minimum display time for each advert shall be 10 seconds and the change in advertisement display shall be instantaneous.
4. No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
5. No music or sound shall be emitted from the advertisements.
6. In the event of malfunction, the display screen shall be immediately switched off.

END OF SCHEDULES