
Appeal Decisions

Site visit made on 7 July 2025

by **L Fleming BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal A Ref: APP/A1530/W/25/3365824

Pavement outside no. 43 Head Street, Colchester, CO1 1NH

- 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 BT Group PLC against the decision of Colchester City Council.
- The application Ref is 250208.
- The development proposed is installation of 1No. BT Street Hub and associated display of advertisement panels on either side of the unit.

Appeal B Ref: APP/A1530/H/25/3365826

Pavement outside no. 43 Head Street, Colchester, CO1 1NH

- 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 BT Group PLC against the decision of Colchester City Council.
 - The application Ref is 250209.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A Ref: APP/A1530/W/25/3365824

1. The appeal is allowed and planning permission is granted for installation of 1No. BT Street Hub and associated display of advertisement panels on either side of the unit at Pavement outside no. 43 Head Street, Colchester, CO1 1NH in accordance with the terms of the application, Ref 250208, and the plans and documents submitted with it, subject to the conditions in the attached schedule.

Appeal B Ref: APP/A1530/H/25/3365826

2. The appeal is allowed and express consent is granted for the display of two digital 75 inch LCD display screens, one on each side of the Street Hub unit at Pavement outside no. 43 Head Street, Colchester, CO1 1NH in accordance with the terms of the application, Ref 250209 dated 31 January 2025. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions in the attached schedule.

Preliminary Matters and Main Issues

3. For appeal B I have amended the description to match that used by the Council on the decision notice, as this more accurately describes the proposed advertisement.
4. Both appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission, whereas Appeal B concerns the refusal of express

advertisement consent. I have assessed each on its own merits, but as they raise similar issues, both decisions have been combined into a single decision letter.

5. The main issues for Appeal A are the effect of the proposed development on the character and appearance of the area including its effect on heritage assets and highway safety. Whereas the main issues for Appeal B are the effect of the advertisement on amenity and public safety.

Reasons

Character and Appearance and Amenity (Appeals A and B)

6. The proposed hub would be located on the pavement in front of the locally listed 43-45 Head Street (43-45 Head Street) and close to the grade II listed 41, Head Street (41 Head Street) and the grade II listed 37, 39, 39A Head Street (37-39A Head Street) on a predominantly commercial street within Colchester City Centre and the Colchester Conservation Area Number 1 (CA).
7. The expansive CA encompasses the whole of the historic Roman walled town and areas adjoining it. The traditional buildings in the CA are mainly of medieval, post-medieval, Georgian and Victorian origin and generally arranged in response to the historic street pattern. Thus, insofar as is relevant to these appeals, the significance of the CA is founded on the age, architectural detailing and layout of the traditional buildings within it.
8. 43-45 Head Street is a 1930's red brick art deco style building with tall metal framed windows, a central bay, flagpoles and cast iron lamp brackets. Insofar as is relevant to these cases, the significance of the locally listed building is founded on its traditional art deco architectural interest.
9. 41 Head Street is a C18 two storey gault grey brick building, with attractive first floor bow windows, one over a yard entrance. 37-39A Head Street is late C18 timber framed with a red brick front, with formal fenestration, including brick arches, sash windows and a central Doric porch with bow windows above. Insofar as is relevant to these proposals, the significance of both of these grade II listed buildings derives from their traditional architectural interest.
10. The proposal would comprise a rectangular black box approximately 3 metres tall and 1 metre wide incorporating large digital screens on each side. Even though the proposal would appear very different to the street furniture nearby which includes streetlamps, telegraph poles, road signs/lights, telecommunication cabinets, phone kiosks, bus stops and advertisements, it would directly replace a pair of telephone kiosks and sit directly next to a bus stop. The proposed hub would be smaller in mass than the two kiosks it would directly replace and would be viewed in the context of ground floor commercial uses.
11. Noting the specific prevalence of and relationship with existing street furniture in this particular location together with the effect of the removal of the existing kiosks, I find no conflict with the traditional architectural detailing of either of the three heritage assets. Thus, the effect on their settings and significance would be neutral in this location.
12. Furthermore, because there is no conflict with the traditional architecture of the CA and the two kiosks would be removed, the proposals would not add to street clutter and overall, the effect on the character, appearance and significance of the CA as

a whole, and the immediate area generally, in this particular case would also be neutral.

13. Appeal proposal A would therefore accord with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) and Policies DM15 and DM16 of the Colchester Borough Local Plan Section 2 (2022) (LP2). These policies, taken together require among other things that development respects the site context and conserves or enhances the significance of heritage assets. It would also accord with the conservation and design aims of the Framework.
14. For the same reasons outlined above, appeal proposal B would not harm visual amenity. In this regard even though not determinative, appeal proposal B would therefore also accord with the same development plan policies and the relevant provisions of the Framework.

Safety (Appeals A & B)

15. It is alleged both appeal proposals would impede the free flow of pedestrians by reducing the available space for pedestrians and in particular the mobility impaired.
16. However, the pavement is not particularly unusually narrow at the proposed location and the highway authority have not raised objections to the proposals. In my view, even during busy periods there would be sufficient space for people to pass each other and move in and around the bus shelter including those with impaired mobility without leaving the pavement, collide or even needing to wait. As set out above, the proposal is smaller in mass than the kiosks it would directly replace.
17. Thus, without substantive evidence to the contrary, I find the proposals would not therefore harm the safety of those using the pavement or highway. Consequently, there would be no conflict with Policies DM20 or DM21 of LP2 which seek to safeguard existing routes for walking and ensure safe passage of all highway users. There would also be no conflict with the Framework's aim to achieve safe and accessible places.

Other Matters

18. In reaching these conclusions I have considered the numerous appeal decisions put before me by both main parties. Whilst these relate to telecommunications infrastructure similar to that proposed, they are all in different contexts to the appeal proposals before me. I have determined the appeals on their merits having regard to the bespoke site circumstances.

Conditions

19. The conditions for both appeals are those that have been suggested by the Council.
20. For Appeal A, in addition to the standard time-limit implementation condition, I have specified the approved plans in the interests of certainty. A condition is also imposed to ensure the hub is built in accordance with materials specified in the application in the interests of safeguarding the character and appearance of the area.

21. With regard to Appeal B, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, which are not repeated in the attached schedule, I have imposed conditions restricting the luminance of the advertisement and limiting them to static images as well as their frequency and changeover both in the interests of the character and appearance of the area and highway safety. These were both suggested by the Council and the appellant has not objected to them.

Conclusion

22. For the reasons given, having regard to all other matters raised, both appeals A and B should be allowed.

L Fleming

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 be carried out in accordance with the following drawing nos: BT Street Hub Dimensions dated 05.02.2025, Proposed site plan ref: CLC-105-REV A, Proposed site elevation ref: CLC-105 REV A.
- 3) The materials to be used in the development hereby approved shall be those specified in the planning application form.

Appeal B

- 1) The adverts hereby granted consent shall not include any animated, moving or flashing images whatsoever and each advert shall be displayed for at least 10 seconds before rotation.
- 2) Any illuminated elements of the advert/signage (including resultant sky glow, light trespass, source intensity and building luminance) shall have a maximum luminance as specified below:

Within Zone e4 town/city centres

- i. Below 10m² surface area = maximum luminance of 1000 cd/m²
- ii. Above 10m² surface area = maximum luminance of 600 cd/m²

**** END OF SCHEDULE ****