
Appeal Decisions

Site visit made on 19 August 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal A Ref: APP/Z1775/W/24/3355810

Outside Aggie Weston House, 22 Edinburgh Road, Portsmouth PO1 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Portsmouth City Council.
 - The application Ref is 24/00908/FUL.
 - The development proposed is described as 'Installation of "Pulse Smart Hub" with integrated digital screens.'
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Appeal B Ref: APP/Z1775/H/24/3355811

Outside Aggie Weston House, 22 Edinburgh Road, Portsmouth PO1 1DH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against Portsmouth City Council.
 - The application Ref is 24/00909/ADV.
 - The development proposed is described as 'Installation of "Pulse Smart Hub" with integrated digital screens.'
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Decisions

1. Appeal A is dismissed, and planning permission is refused for installation of "Pulse Smart Hub" with integrated digital screens at land outside Aggie Weston House, 22 Edinburgh Road, Portsmouth PO1 1DH, in accordance with the terms of the application Ref 24/00908/FUL dated 25 July 2025, and the plans submitted with it.
2. Appeal B is dismissed, and express consent is refused for installation of "Pulse Smart Hub" with integrated digital screens at land outside Aggie Weston House, 22 Edinburgh Road, Portsmouth PO1 1DH, in accordance with the terms of the application Ref 24/00909/ADV dated 25 July 2025, and the plans submitted with it.

Preliminary Matters

3. There are two appeals relating to the same proposal on the same site. Appeal A relates to the non-determination of an application for planning permission for the erection of a Pulse Smart Hub (PSH), while Appeal B concerns the non-determination of an application for express consent for digital advertisements on the same PSH.
4. The communication hub and advertisements are integral to each other. I have dealt with each case on its individual merits, but to avoid duplication both appeals are considered together in this decision, except where otherwise indicated.

5. 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 confirm this approach. Accordingly, when assessing the advertisement appeal, development plan policies are not decisive, but I have considered them in relation to Appeal A.
6. Following the submission of both appeals, a revised version of the Framework was published on 12 December 2024. The main parties have had the opportunity to comment on this matter, and I have taken the revised Framework into account where relevant to my decision.

Main Issues

7. Both appeals are against the Council's non-determination of the applications. The Council has only submitted one appeal statement, which is in response to Appeal A. It has confirmed that had it determined the planning application it would have refused it on visual amenity grounds. The Council's statement also refers to public safety concerns.
8. The Council has not submitted a separate statement in response to Appeal B. However, its statement in respect of Appeal A includes reference to the advertisement element of the scheme in respect of both visual amenity and public safety matters.
9. Given the linked nature of the appeals which both relate to the same proposal, and having regard to paragraph 5 above, I consider that the main issues for both appeals are:
 - The effect of the proposal on the amenity of the area, with particular regard to the character and appearance of the street scene; and
 - The effect of the proposal on public safety, with particular regard to the free and safe flow of pedestrians and other footway users.

Reasons

Character and Appearance

10. The appeal site lies within a city-centre location in a visually prominent position close to the roundabout intersection of Edinburgh Road, Unicorn Road, Stanhope Road and Bishop Crispian Way. I saw during my site visit that there was a steady flow of vehicular traffic using the roundabout, and whilst my visit represents a snapshot in time, it took place during a weekday afternoon at a time which would give a reasonable indication of average traffic volumes within the appeal site vicinity.
11. The largely commercial nature of the city centre means that some street furniture and advertising would be reasonably expected to feature within the townscape. This is particularly the case to the east of the appeal site where the car-free Edinburgh Road and pedestrianised Commercial Road comprise a primary city retail centre, and where both roads are aligned with ground floor commercial frontages, including typical town centre retail advertising on the premises. In that

area, there is a variety of existing street furniture and paraphernalia associated with a pedestrian-friendly shopping street.

12. The appeal site is located outside this primary retail area, to the west of a sharp bend in Edinburgh Road and within a part of the streetscape facing the roundabout and the car-trafficked roads leading to it. This has a less overtly commercial nature, due largely to the inclusion of residential and other properties with a preponderance of brick on their road-facing frontages and a paucity of ground floor commercial shopfronts and signage.
13. The proposed PSH would be about 2.54m tall, about 1.2m wide and about 0.35m deep. It would display two back-to-back internally illuminated digital LED screens which would take up most of the main faces of the hub. Whilst the material displayed on the LED screens would be static, the nature of the display would change on a timed basis.
14. The structure would be sited on the paved area in front of 22 Edinburgh Road (Aggie Weston House), whose front elevation is akin to that of a residential property and is characterised by distinctively symmetrical rows of identical window designs across each floor of the building. There are no floor-to-ceiling shop windows or adverts along its frontage, and it presents an attractive and visually striking road-facing elevation due in part to the fenestration design, and also due to the combination of brick, render and slate which help to demarcate the various floors and give a strong horizontal design emphasis.
15. Due to its proposed siting, the PSH would have a high degree of intervisibility with the front façade of this building to motorists, cyclists and pedestrians approaching the roundabout from the north, west and south of the appeal site.
16. The proposed structure would appear incongruous against the backdrop of this building, where the existing streetscape to the west of the Edinburgh Road junction with the roundabout is simple and unembellished, and wholly reveals the aforesaid attractive front elevation of No.22. The proposal would introduce a new bulky structure within this stretch of Edinburgh Road, where street furniture, planting, telecoms equipment and advertising are not characteristic features.
17. The visual prominence of the PSH would be exacerbated by its proposed gloss red finish, together with the incorporation of large, illuminated advertising screens front and rear of the structure. As a result, it would appear as an alien feature within this part of the street to the detriment of the visual amenities of the locality.
18. For the above reasons, I therefore conclude that the proposal would materially harm the amenity of the area, with particular regard to the character and appearance of the street scene. As such it would be contrary to Policies PCS23 and PCS4 of the *Portsmouth Local Plan* (2012) (the PLP) in so much as these policies require new developments to be well-designed and respect the character of the city, including being of appropriate scale, layout, appearance and materials in relation to the particular context and providing attractive public spaces and a public realm of exceptional quality. In the case of the advertisement appeal, the development plan policies are only a material consideration and do not carry the same weight as in the case of the planning appeal.

Public safety

19. The proposed PSH would be sited near to the road-side edge of the paved area in front of No.22. The photographs submitted with the applications indicate that this comprises part of a relatively wide pedestrian footway which runs in front of the building. I saw during my site visit that a cycle lane now runs along this part of the road occupying a large proportion of the width of the paved area in front of No.22. It appears from the information before me, including the application drawings and my site visit, that the proposed PSH would encroach into this cycle lane.
20. As such, due to its perpendicular positioning in relation to the building frontage and the road, the proposal would significantly reduce the cycle lane width at the point of its siting, thereby obstructing cyclists. Whilst there are safety barriers along the outer edge of the cycle lane protecting cyclists from veering into the street, there are no such barriers on the pedestrian side of the lane. Accordingly, the proposal would obstruct cyclist movement flow along this part of the cycle lane, which would reasonably be expected to be well-used given its city centre location in a university city. As there are no barriers separating the cycle lane from the remainder of the pedestrian footway, in addition to potentially harming the safety of cyclists, pedestrian safety would be compromised by cyclists being obliged to enter the pedestrian area to avoid the PSH structure.
21. For the above reasons, I therefore conclude that it has not been satisfactorily demonstrated that the proposal would not, due to its siting, have a materially harmful impact on public safety, having particular regard to the free and safe flow of pedestrians and other footway users. As such it would be contrary to PLP Policy PCS23 in so much as this policy seeks to ensure that new development incorporates safe public spaces. In the case of the advertisement appeal, the development plan policy is only a material consideration, and does not carry the same weight as in the case of the planning appeal.

Other Matters

22. The appeal submissions have drawn my attention to the existence of two Grade II Listed buildings within the locality of the appeal site comprising Trafalgar House to the north-east of the site and the Cathedral Church of St John the Evangelist (the CCSJE) to the west of the site. Whilst the Council's putative reason for refusal contained within its appeal statement does not specifically refer to impacts upon either of these heritage assets, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the settings of these designated heritage assets.
23. Trafalgar House is a late 19th Century Victorian Gothic 3-storey plus attic, terracotta and brick building which comprised the former YMCA premises. Much of the exterior ground, first and second storey architectural detailing has been removed, and the principal interest of the building is that of a public mural painting completed shortly after WW2 which is situated within the interior of the building.
24. The building is located between Spring Street and Fountain Street and there are intervening buildings between it and the appeal proposal. The property has a frontage directly onto the more overtly commercial part of Edinburgh Road where its immediate setting is that associated with a streetscape characterised by retail shopfronts, street furniture and advertising, including directly in front of the building where a bus shelter and associated street paraphernalia and advertising are

located. As such, having regard to the nature of the immediate setting of Trafalgar House, whilst there would be some, albeit limited intervisibility between the building and the appeal scheme, and having regard to the key feature of significance of this building which relates to its interior, I am satisfied that the appeal proposal would not materially impact upon the setting and significance of this heritage asset.

25. The Roman Catholic CCSJE is a late 19th Century Flemish bond red brick, Portland stone and plain tiled roof building which was restored after WW2 following bomb damage. Its significance relates to its external and interior architectural detailing. The building is sited some distance away from the appeal site and is separated from it by both maturely landscaped eastern part of the grounds within which it is located and the roundabout intersection of three busy city-centre roads. As such, the appeal proposal is sufficiently small-scale and divorced from the immediate setting of this building that I am satisfied that the setting and significance of this building would not be harmed.
26. The appellant has referred me to a decision to grant prior approval for a public telephone box at the appeal site in 2017¹. This was not implemented, and the permission is no longer extant. As such, it would not represent a realistic fallback position. Furthermore, notwithstanding being wider and having a greater footprint than the proposed PSH, the telephone box comprised a significantly different design of development than that currently proposed, and it would not have included a digital screen with rotating images. Moreover, Appeal A requires planning permission, and is to be determined as such, while applications for prior approval are considered against the relevant criteria for that class.
27. Also, the 2017 decision was made within the context of the streetscape that existed at that time. I must assess the current proposal based on the site as I found it during my site visit. There appear to have been changes in circumstances along the footway where the PSH is proposed, which now includes a shared surface with cyclists and contains bollards and signs installed in connection with the cycle lane. These features are absent from the site photographs submitted with the planning application. On this basis it is reasonable to assume that they were not in situ at the time of the previous prior approval determination.
28. Accordingly, both the nature of the proposal and the footway have altered, and the previous prior approval decision does not justify the harm I have identified in respect of the main issues.
29. In accordance with the Framework, I have no reason to question the need for the electronic communication systems. There would be public benefits because of increased digital connectivity particularly for vulnerable people or people in vulnerable situations. These include an increased awareness of public, local and emergency services, access to free phone calls, WI-Fi, maps and wayfinding, information sharing, device charging facilities, public messaging, the provision of medical and life-saving equipment, the ability to support environmental monitoring such as air quality, public, and the increased prominence of business advertising.
30. The PSH is proposed to form part of a wider network, which would cumulatively have significant public benefits. However, individually, the proposal would have localised benefits. Moreover, there is no firm evidence that the proposed location before me is the only means of securing such benefits within this area, moderating

¹ LPA Ref 17/00961/PN

the weight I afford these matters. Also, I am aware of other similar structures within the wider commercial area around the appeal site. The benefits do not therefore outweigh the harm I have identified in respect of the main issues.

31. Moreover, in relation to Appeal B, as the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, the environmental, social, or economic benefits emanating from the Smart Hub does not outweigh my findings on the main issues.

Conclusion

32. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
33. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

S Leonard

INSPECTOR