



Appeal Decisions

Site visit made on 19 August 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal A Ref: APP/A1530/W/25/3365822

Pavement outside no. 18 Osborne Street, Colchester CO2 7DP

- 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 250206.
 - The development proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
-

Appeal B Ref: APP/A1530/H/25/3365823

Pavement outside no. 18 Osborne Street, Colchester CO2 7DP

- 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 250207.
 - The advertisement proposed is two digital 75 inch LCD display screen, one on each side of the Street Hub unit.
-

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Appeal A concerns the refusal of planning permission to erect a BT street hub. Appeal B concerns the refusal of express consent to display advertisements on the street hub. I have considered each on its own merits. However, as they raise similar issues, both appeals are combined within the same decision letter.
3. The address in the banner heading above has been taken from the appeal forms. It represents the most accurate before me and I am content that it has been accepted by the appellant.
4. The second reason for refusal on both Council decision notices refers to the proposals being contrary to Highways Authority's Development Management Policies document (February 2011). Written correspondence from the Council confirms that reference to these policies was included in error. I have therefore not considered them in my appeal decisions.

Main Issues

5. The main issues for Appeals A and B are:

- The effect of the proposal on the character and appearance/visual amenity of the surrounding area, affording special attention to Colchester Conservation Area No 1 (CCA No 1) and having regard to 19 Osborne Street (No 19) as a non-designated heritage asset (NDHA); and
- The effect of the proposal on public safety, with specific regard to pedestrian movement.

Reasons

Character and appearance/visual amenity, and heritage

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of CCA No 1.
7. Furthermore, paragraph 216 of the National Planning Policy Framework (the Framework) directs me to consider the effect of the proposal on the significance of No 19 as a NDHA, taking a balanced judgement having regard to the scale of any harm or loss.
8. The special interest and significance of CCA No 1 derives from its coverage of the entire historic walled town of Colchester and includes parts of the historic extra-mural settlement immediately outside of the walls.
9. This side of Osborne Street sits within CCA No 1 and is largely characterised by two and three-storey buildings, some of which are identified as NDHAs dating from the 19th century, such as No 19 that sits adjacent to the appeal site. Although No 19 appears to have been altered slightly at ground floor level to accommodate its current use, original features such as the first-floor windows and roof have been retained, which maintain its historic contribution to the street scene and CCA No 1.
10. Osborne Street is predominantly commercial in character. However, the appeal site and the pavement stretching in both directions along Osborne Street are largely devoid of clutter. The existing street furniture is predominantly limited to bollards, lampposts, minimal highway related safety and directional signage, and traffic lights and their associated columns.
11. In stark comparison, the opposite side of Osborne Street is outside of CCA No 1 and is much busier in terms of street clutter and pedestrian usage. It is dominated by a large multi-storey car park, bus station shelters covering a significant amount of pavement and electronic information and advertisement boards.
12. Despite being designed by an award-winning designer, the proposed street hub would be a large, tall and imposing rectangular structure that, due to its location on the outside edge of a wider stretch of pavement, would be particularly visible along Osborne Street from both directions. It would therefore constitute an incongruous and alien addition to the immediate street scene where there is currently a lack of street clutter.
13. Furthermore, the modern street hub of an imposing scale and bulk would be observed within the context of No 19 and partially obscure views of the historic building, particularly from the opposite side of Osborne Street, thereby failing to preserve its setting.

14. Although showing static images, the illuminated nature of the proposed advertisements would exacerbate the proposal's dominance within the street scene and amplify its presence to the detriment of CCA No 1 and the NDHA.
15. The appellant asserts that the proposed street hub would replace two telephone kiosks outside of the bus station and Montrose House on Eld Lane. Whilst I agree that they are tired pieces of infrastructure and that their surroundings would benefit from their removal, they are outside of the appeal site and there is no mechanism before me to ensure they would be removed in association with this appeal. Furthermore, the telephone kiosk on Eld Lane, whilst also within CCA No 1, is not within the immediate vicinity of the appeal site.
16. For the reasons given above and within the terms of the Framework, the proposed development would cause less than substantial harm to the significance of CCA No 1 as a heritage asset. The level of harm would be within the lower part of this category.
17. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case CCA No 1), this harm should be weighed against the public benefits of the proposal.
18. The street hub would provide some public benefit, which would be funded by revenue generated from the sale of the advertisement space. A free publicly available internet service would be provided that would assist the surrounding urban community in becoming better digitally connected. Street hubs also provide the opportunity for improved 5G mobile coverage and speed, direct access to emergency services via a call button and the potential to house environmental sensors for ongoing monitoring purposes.
19. There is also the potential for some free advertising space to be gifted to local businesses and the local authority, which the appellant asserts have occurred in other street hub locations. However, I am mindful that there is no mechanism before me to secure such provision.
20. Overall, I attribute moderate weight to the above benefits. These benefits do not outweigh the less than substantial harm the proposal would have on the significance of CCA No 1 as a designated heritage asset to which I am required to give great weight. The proposal would therefore conflict with the Framework.
21. Thus, in relation to Appeal A, the proposed street hub structure would be harmful to the character and appearance of CCA No 1 and No 19 as a NDHA in conflict with Policy SP7 of the North Essex Authorities' Shared Strategy Section 1 Plan and Policies DM15 and DM16 of the Colchester Borough Local Plan (the LP). These policies seek to, amongst other things, ensure development responds positively to local character and context, and protects and enhances assets of historical value.
22. With regards to Appeal B, the proposal would have an unacceptable effect on the visual amenity of the surrounding area. The same development plan policies as above have been considered as far as they are material, and in this respect, the scheme would conflict with the development plan.

Public safety

23. There is very little commentary from the Council with regards to their pedestrian public safety concerns and it is noted that the Essex Highways team had no comments to make during the application process.
24. I observed on site that the footpath is significantly wider in the vicinity of the appeal site, owing partially to its location beyond the end of a row of car parking spaces. Furthermore, this side of Osborne Street was quieter at the time of my visit than the busier areas surrounding the bus station and multi-storey car park. Based on my site visit observations and considering the lack of substantial evidence to the contrary, I am not convinced that the proposed installation would unacceptably impede the free flow of pedestrians, including those with mobility challenges.
25. Thus, in relation to Appeals A and B, the proposals would not have an unacceptable effect on public safety.
26. Appeals A and B would comply with Policies DM20 and DM21 of the LP, which, amongst other things, seek to safeguard existing routes for walking and ensure proposals for development give priority to the movement of people walking and provide people-friendly street environments.

Other Matters

27. The appellant has directed me to several appeal decisions relating to cases a substantial distance away. Whilst some decisions do share similarities with the appeals before me in terms of the type of development proposed and their locations within or adjacent to conservation areas, I am mindful that I do not have specific details or plans before me and in the absence of being able to visit the site locations, I cannot be convinced that they are wholly comparable.

Conclusion

28. The proposal under Appeal A conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.
29. For the reasons given above, Appeal B would harm the visual amenity of the surrounding area, and I therefore conclude that the appeal should be dismissed.

L Fern

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A1530/W/25/3365822	BT Group Plc
Appeal B	APP/A1530/H/25/3365823	BT Group Plc