



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/25/3365816

Pavement outside No. 33 North Station Road, Colchester CO1 1RQ

- 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 250202.
 - The development proposed is installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
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Appeal B Ref: APP/A1530/H/25/3365817

Pavement outside No. 33 North Station Road, Colchester CO1 1RQ

- 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 250203.
 - The advertisement proposed is two digital 75 inch LCD display screens, one on each side of the Street Hub unit.
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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 4 (CCA No 4); 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 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of CCA No 4.
7. The special interest and significance of CCA No 4 derives from its demonstration of Colchester's rich history from the late Roman period, through extramural residential and industrial expansion, and into the mid-19th century with the arrival of the railway. Surviving building stock ranges in age from the 15th to the late 20th centuries, and existing historic uses and infrastructure provide evidence of the more recent socioeconomic history of the settlement. North Station Road (NSR) forms its backbone and was historically the main access road into Colchester from the north.
8. The appeal site forms part of the pavement running alongside the highway, in the vicinity of Nos 33 and 35 NSR (Nos 33 and 35).
9. Despite being designed by an award-winning designer, the proposed street hub would be a large, tall and imposing rectangular structure. The proposed orientation of the street hub and the relatively straight and open nature of NSR mean that it would be particularly visible from a considerable distance in both directions.
10. Although not locally listed, the CCA No 4 Character Appraisal and Management Proposals document (CCA No 4 CA) specifically highlights No 33 as a good example of a traditional shopfront in an area where most of the shopfronts are of inferior quality. The positive contribution that No 33 makes to the street scene was observed on my site visit.
11. The street hub would partially obscure No 33 from view of both pedestrians and motorists travelling along NSR. Furthermore, the modern, large and harsh appearance of the street hub would be out of character with the shopfront's traditional timber appearance, diminishing its contribution to CCA No 4.
12. In addition, the CCA No 4 CA identifies the quality of the public realm as a key issue that detracts from the character and quality of CCA No 4 and moving forward there is a need to address street clutter to improve the environmental quality of the main street.
13. Whilst there is not an abundance of street clutter within the immediate vicinity of the appeal site, adding a large, tall and solid structure to the street scene would inevitably exacerbate the issues identified in the CCA No 4 CA. The proposal would add to an issue of cluttering that has been identified as a problem requiring resolution.

14. Although showing static imagery, the illuminated nature of the proposed advertisements would intensify the proposal's dominance within the street scene and detract from the positive contribution the adjacent property at No 33 makes to, and the overall appearance of, CCA No 4.
15. The appellant asserts that the proposed street hub would replace two existing telephone kiosks on Colne Bank Avenue and Middleborough. Whilst not far from the appeal site and worthy of removal for the benefit of character and appearance of CCA No 4, they are not in the site's immediate vicinity and there is no mechanism before me to ensure they would be removed in association with this appeal.
16. For the reasons given above and within the terms of the National Planning Policy Framework (the Framework), the proposed development would cause less than substantial harm to the significance of CCA No 4 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 4), 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 4 as a designated heritage asset to which I am required to give great weight. The proposal would therefore conflict with the Framework.
21. In relation to Appeal A, the proposed street hub structure would be harmful to the character and appearance of CCA No 4 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. The Council has provided very little commentary with regards to the effect the proposal would have on public safety with regards to the free flow of pedestrian movement and it is noted that the Essex highways team had no comments to make during the application process.
24. Whilst the street hub would inevitably accommodate some of the pavement, the plans show that it would impede significantly less than half of the width of the existing available space. It would leave a substantial amount of unobstructed pavement for the free flow of pedestrian movement, including those with mobility challenges, and there is no substantial evidence before me to demonstrate that the loss of some pavement would lead to unacceptable public safety concerns.
25. Thus, in relation to Appeals A and B, the proposals would not have an unacceptable effect on public safety.
26. Appeal 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. Section 66(1) of the LBCA requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
28. The appellant briefly mentions the grade II listed buildings at 25, 27, 30 and 32 NSR, and the Victoria Inn NSR in their evidence. However, these buildings are not referenced in either the conservation officer's comments or in the planning officer's report. All the buildings are located a significant distance from the appeal site and separated from it by either Causton Road or NSR and, except for the Victoria Inn, intervening buildings. Having observed the buildings on my site visit and considered the contents of the CCA No 4 CA, which includes a gazetteer of listed buildings, I am content that the proposed installation does not fall within their settings.
29. For the above reasons, the proposed development would preserve the settings of the listed buildings set out above.
30. The appellant has directed me to appeal decisions a substantial distance from the current appeal site. Whilst it is apparent that they share some similarities with the appeals before me in terms of the type of development proposed and relationships with 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

31. 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.

32. 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/25/3365816	BT Group Plc
Appeal B	APP/A1530/H/25/3365817	BT Group Plc