



Appeal Decisions

Site visit made on 10 February 2026

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2026

Appeal A Ref: APP/G3110/W/24/3356191

Appeal B Ref: APP/G3110/H/24/3356192

Pavement adjacent to 23-38 Hythe Bridge Street, Oxford OX1 2 ET

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - Appeal B 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 advertisement consent.
 - Both appeals are made by the Urban Innovation Company Ltd against the decisions of Oxford City Council.
 - The application reference numbers are 24/01885/FUL (Appeal A), and 24/01886/ADV (Appeal B).
 - The proposal in both appeals is for the installation of a Pulse Smart Hub with integrated digital screens.
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Decisions

1. The appeals are dismissed.

Main issues

2. The following are main issues in both Appeals A and B:
 - the effects of the development on the safety of road users;
 - and the effects on the character, appearance and visual amenity of the area, including the settings of nearby heritage assets.
3. In addition, the following is a main issue in Appeal A only:
 - the effects on public safety, in relation to the risk of flooding in the area.

Reasons for decision

Highway safety

4. I saw on my visit that Hythe Bridge Street is an important local vehicular and pedestrian route, linking Oxford railway station with the city centre. At the time of my visit, both the carriageway and footways were busy. I have no reason to think these conditions were untypical.
5. For the most part, the footways on both sides of the street are fairly narrow. In the vicinity of the appeal proposal, the pavement widens slightly, to include the area underneath the cantilevered upper floors of the adjacent office building, Beaver House. However, the Council states that this additional width is not dedicated as highway land, and its use by the public is dependent on permissive rights, which could potentially be withdrawn. And although no documentary evidence has been produced to support this assertion, neither has it been challenged by the

appellants. This latter point seems to me significant, because the issue was clearly identified in the officer's report, and also in a previous appeal decision in 2023, relating to a similar proposal in what appears to have been roughly the same location¹. I also note that immediately to the east, Beaver House's entrance ramps and steps extend further out, filling the space under the overhang, and leaving only a relatively narrow width of pavement, in line with that seen elsewhere along this side of the road.

6. In the absence of any more specific evidence, there remains an element of uncertainty as to the extent of the footway which benefits from full highway rights. But nevertheless, there is no evidence before me that the land beneath the Beaver House overhang is part of the public highway; nor is there any evidence that any permissive rights that may have been granted can be relied on to remain in perpetuity. In these circumstances, it seems to me that the only part of the present pavement that can be regarded as permanent is that which is beyond the outer facade of the overhanging building. On the ground, that part appears barely wide enough to allow two persons to pass each other comfortably. Groups of two or more would not be able to do so except by walking in single file.
7. The 'Smart Hub' which is now proposed would measure 1.28m wide, and would be positioned across the width of the pavement, at right-angles to the main flow of pedestrian movement. In the light of the above, a structure of this size, sited in the way proposed, would represent a significant obstacle, potentially forcing some pedestrians off the footway and onto the vehicular carriageway. Stationary persons standing close to the hub, to use its various facilities, such as the free wi-fi, phone charging, or information services, would add to the obstruction, and increase the potential danger to road users.
8. In addition, the proposed site is only a few feet from a designated pedestrian crossing point. Although not accompanied by formal 'zebra' markings, the crossing is demarcated by means of a differently coloured road surface, a level kerb, and tactile edging. In this location any additional obstruction or congestion on the footway would have the effect of restricting access to the designated crossing point, with the result that pedestrians would be more likely to cross the street at other, less safe places. The site's close proximity to a recognised crossing point therefore exacerbates the potential for the development to cause danger.
9. Close to the proposed site there are also a lighting column and a traffic sign. I appreciate that grouping the new hub with these might be seen as a better solution than having a series of separate obstructions. But both of these existing items are essentially slender, single-pole structures, whereas the proposed hub would be much wider and more obtrusive. In this case, the potential benefit of grouping the hub with other existing street furniture does not change my view that the development would introduce an undesirable new source of danger.
10. I agree that there is no reason why the new hub should be unduly distracting to drivers, nor would it materially affect visibility. However, this does not overcome the above considerations relating to the effects on pedestrian movement.
11. In so far as the above matters were considered in the 2023 appeal decision, the Inspector in that case found that the scheme that was before him would be harmful to highway safety. In the present appeal, my findings are broadly similar.

¹ APP/G3110/W/23/3317217: Pavement outside 23/28 Hythe Bridge Street, Oxford

12. For the reasons set out above, I find that the development would have an unacceptably adverse impact on the safety of road users. In this regard the scheme conflicts with the aims of Policies M1 and M2 of the Oxford Local Plan (the OLP), adopted in June 2020, which seek, amongst other things, to promote safe conditions for walking and cycling and to minimise conflicts between road users.

Effects on the area's character, appearance and visual amenity

13. The proposed hub unit would comprise an upright, box-shaped structure, 2.54m high, with display screens on both sides. It would have a slim profile, a simple, streamlined shape, and a sleek appearance. The exterior shell would be predominantly a muted grey and black, with a red trim. The overall design of the unit would reflect its dual function as both a source of public services and as an advertising medium. To my mind, the design is functional and reasonably attractive, and as such is one that is likely to be acceptable in many types of urban situation, subject to consideration of the individual site context.
14. In the present case, the site's context primarily comprises the western section of Hythe Bridge Street, west of the Hythe Bridge itself. On the north side, adjacent to the appeal site, is the 5-storey Beaver House office block, which is strikingly modern in its design, with its large front overhang, a tall entrance tower, and main elevations fully clad in dark-coloured glazing. Opposite and to the east are 2- and 3-storey buildings, mainly from the late 19th to mid-20th centuries, in a mixture of commercial, retail, hotel and residential uses. Most are of indifferent quality and little visual or historic interest.
15. Of these nearby buildings, by far the most significant, and indeed the most dominant in the street scene is Beaver House. This is in part due to the building's size, being the tallest in the street, and occupying more than half the street's overall length; and also its overtly assertive design, particularly the large projecting and vertical elements, and the extent of the dark glazing. Consequently, whilst in my view Beaver House is not an unattractive building, it seems to me indisputable that it is a dominating presence in views of the street, and of the appeal site, from all directions. The new hub unit which is now proposed would stand immediately in front of Beaver House, and it is this building that would provide the backdrop to all views of it. To my mind, the hub's proposed design would be clearly in keeping with the architectural style and tone that Beaver House sets for the street. Moreover, given this juxtaposition, and the disparity in scale, the hub's size would appear insignificant against such a large building. In this context therefore, the design and appearance of the proposed development seem to me unobjectionable.
16. The hub unit would be distantly visible from the edge of the Central Oxford Conservation Area, in the vicinity of the Hythe Bridge itself, and would be seen in the foreground of long-distance views towards the Conservation Area from Frideswide Square. The hub would also be seen, a little more closely, in some views to and from the locally-listed former Boatmen's Mission Chapel. Hythe Bridge Street is clearly a historic entry route into the city, and to that extent could be considered part of the settings of these heritage assets. But to my mind this part of their settings contributes little to the significance of either one, because the present character of the street no longer complements them in any way. This is partly due to the visual dominance of Beaver House, and also due to the undistinguished nature of most of the other buildings. In any event, for the reasons already explained, in my view the development now proposed would be compatible with the existing street scene, in terms of its size and design, and thus would cause

no visual harm to the surroundings. In these circumstances, the impact on the settings and significance of the Conservation Area and locally listed building would be neutral, and the character and appearance of the area would be preserved.

17. In the 2023 appeal decision, the Inspector found harm to the character and appearance of the street, due to the proposal in that case introducing an element of clutter, and appearing out of scale with the other nearby street furniture. In the present appeal, I do not find that to be so. In the absence of any further detail of the earlier case, I am unable to make a direct comparison, but in any event, I have judged the present proposal on its own merits, based on the information before me now. In any event, on the important matter of the settings of the two heritage assets, the 2023 Inspector found no harm, and on that matter, my finding is the same.
18. Overall, I find that the development now proposed would leave the area's character, appearance and visual amenity unharmed. In this respect it follows that there would be no conflict with any of the relevant OLP policies that are cited in the Council's refusal reasons. These include Policies DH1 which promotes good design, DH2 relating to building heights and views, DH3 and DH5 which protect heritage assets, DH6 relating to advertisements, or V8 and V9 which control public utilities and digital infrastructure.

Flooding

19. The appeal site lies within a Zone 2 area, where there is a moderate risk of flooding. However, the proposed hub would have a footprint of less than half a square metre, and therefore its impact on the area's flood storage capacity, and on floodwater flows, would be negligible. These matters are confirmed by the appellants' flood risk assessment, but seem to me to be self-evident in any event.
20. The appellants state that the hub has been designed to ensure that the internal components that would be susceptible to water ingress would be well above the modelled worst-case flood level. It is also stated that in the event of a flood, the unit would be pre-programmed to shut down. There is no evidence to the contrary, and I can see no reason to doubt the appellants' statements on these matters. I note that in the 2023 appeal case, the Inspector reached a similar conclusion.
21. On the evidence available, there is no reason why the development should be likely to be at risk from flooding, nor why it should be likely to contribute to any flood risks or consequent safety issues. In these respects, no conflict would arise with OLP Policy RE3, which seeks to manage flood risks and ensure that developments are flood resilient.

Other matters

22. The proposed development would provide a number of services to the public, including free phone calls, wi-fi and phone charging, a personal safety emergency button, a '999' call button, a public access defibrillator, a nasal naloxone spray facility, plus free local information and public service advertising. The hub would also have the capability to collect some kinds of local data such as traffic flows and air quality readings, for use by the relevant authorities. These facilities would be provided at no cost to the public, funded by the commercial advertising that the hub would also carry. I agree that collectively these would represent a significant package of benefits to the public. These benefits carry moderate weight in favour

of the appeal. But nevertheless, in my view they are not so substantial as to outweigh the harm that I have identified to highway safety in this case.

23. In addition to the policies referred to above, the Council's refusal reasons also refer to various other OLP policies. These include Policy RE2 which promotes the efficient use of land; Policy RE7 which seeks to ensure that development impacts are assessed and mitigated; and Policy S1 which sets out the presumption in favour of sustainable development. I have paid due regard to these policies, but none seems to me to have any relevance to the present appeal. For the avoidance of doubt, none of these other policies has influenced my decision.

Conclusion

24. For the reasons set out above, I have found that the proposed development would not cause harm to the area's character or visual amenity, or to the settings of heritage assets, or involve any unacceptable risks in relation to flooding. However, it would have an unacceptably adverse impact on highway safety, and in this regard the proposal is contrary to the aims of relevant development plan policies.
25. This harm is not outweighed by the scheme's benefits. It follows that planning permission and advertisement consent must be refused. Accordingly, the appeals are dismissed.

J Felgate

INSPECTOR