



Appeal Decisions

Site visit made on 5 February 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal A Ref: APP/X5210/W/24/3354421

Pavement opposite 152 West End Lane, (corner of Iverson Road), London NW6 2LJ

- 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 Mr Ollie Smith (Urban Innovation Company (UIC) Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/3448/P.
 - The development proposed is the installation of “Pulse Smart Hub” with integrated digital screens.
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Appeal B Ref: APP/X5210/H/24/3354422

Pavement opposite 152 West End Lane, (corner of Iverson Road), London NW6 2LJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Ollie Smith (Urban Innovation Company (UIC) Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/3459/A.
 - The development proposed is the installation of “Pulse Smart Hub” with integrated digital screens.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Main Issues

5. The main issues for Appeal A are: (i) the effects of the proposal on the character and appearance of the area; (ii) whether the proposal would increase opportunities for crime and anti-social behaviour; and (iii) the effects of the proposal on highway safety, including pedestrian movement.
6. The main issues for Appeal B are the effects of the proposal on the amenity of the area and on public safety.

Reasons

Character and Appearance and Amenity

7. The appeal site is located within West Hampstead Town Centre which is a bustling and vibrant commercially orientated area. The proposal would involve the siting of a smart hub on an area of pavement at the corner of West End Lane and Iverson Road.
8. Several items of street furniture are present near the site, including two utilities cabinets, an information board, a parking sign and signals associated with the two nearby pedestrian crossings. Along Iverson Road there is also a row of mature street trees. Nevertheless, the generous width of the pavement in this location means that it has the appearance of being relatively uncluttered by street furniture, and the advertising, branding, and fascia signs present on nearby buildings in retail and commercial use at ground floor level is predominantly visually restrained and mostly unobtrusive in appearance.
9. The proposed hub would be a tall and wide structure, with a rectangular block-like design. While its appearance would not detract from the appearance of the relatively modern looking buildings in the vicinity, its height, bulk and overall design means that it would be viewed as an imposing and visually incongruous item of street furniture. Moreover, due to its fairly large scale in comparison with most other items of nearby street furniture, and its proposed prominent positioning on a pedestrian route, it would serve to add visual clutter, thereby detracting from the existing street scene and making it feel less spacious.
10. The proposed screens on each side of the hub would be used to display commercial and community messaging and advertisements. Standalone LCD displays of a similar size to that proposed are not common in the immediate vicinity. Considering this, the screen would appear as an overly dominant and visually intrusive feature in this location which would detract from the amenity of the area. Although the brightness of the screen could be controlled by condition, the overall visual effect of the proposed hub would be particularly noticeable and harmful in the hours of darkness.
11. The Council has suggested that a maintenance plan should be secured via a legal agreement. I concur that a plan of this nature is necessary as, over a period of time, it is likely that the appearance of the smart hub would deteriorate due to age, use and the potential for vandalism. Without a maintenance plan in place, there is a strong possibility that the hub would cause further harm to character and appearance in future. A legal agreement of this nature would therefore be necessary to make the development acceptable in planning terms.

12. As such, in respect of Appeal A, the proposal would harm the character and appearance of the area. In relation to Appeal B, the reasoning above applies equally with regards to the effect of the proposed advertisements on amenity. As a result, both Appeal A and Appeal B are in conflict with Policies D1 and D4 of the Camden Local Plan 2017 (LP) and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Area Plan 2015 (NP). Taken together, the relevant aspects of these policies seek to ensure that new development, including advertisements, is well designed and does not harm character and appearance.

Highway Safety, Public Safety and Crime

13. The appeal site is a busy area of pavement that connects the shops and businesses on West End Lane to West Hampstead Thameslink and West Hampstead railway stations. Due to the size of the proposed smart hub, and its intended position between the existing information board and a street tree, it is highly likely that it would disrupt pedestrian movements, particularly for people who are seeking to walk to West Hampstead Thameslink station.
14. Furthermore, while I acknowledge that the purpose of advertisements is to be noticed, it does seem likely to me that the advertising screens could well prove distracting to people using the two nearby crossings. Indeed, I note that Appendix A of Transport for London's Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013) sets out that advertisements of this nature should not normally be approved within 20 metres of a pedestrian crossing. Drivers of vehicles may also be distracted by the screens in an area where their full attention should be focused on safely navigating the crossings.
15. I am also aware that the Metropolitan Police Crime Prevention Design Advisor has objected to the scheme, partly on the basis that wi-fi, free calls and phone charging could assist those intent on criminal activity in the local area and that the orientation of the hub would enable it to be used to screen such activity, including stealing phones that are being charged. Based on the statistics provided as part of the Council's officer report, I can see no reason to disagree with these concerns. I also give weight to concerns regarding the proposal to use the smart hub as a dispensary of 'Nasal Naloxone' which is usually prescribed by pharmacies.
16. Overall, it seems inevitable to me that, in relation to Appeal A, the proposal could result in harm in terms of highway safety and crime, and that in relation to Appeal B, harm could be caused to public safety. As such, it would conflict with LP Policies A1, C5, C6, D4, G1 and T1, as well as NP Policy 9. Taken together, the relevant aspects of these policies seek to ensure that new developments are well designed, that they prioritise walking and cycling routes and that they do not result in harm in relation to safety and security.

Other Matters

17. The proposed development would provide some public benefits in the form of free ultrafast Wi-Fi, free phone calls to landlines, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities. However, the limited scale of the proposal, and the fact that the public can already achieve these things in other ways, means that the benefits are very limited. The proposed hub would also incorporate a defibrillator. While these facilities are vital for public health, there are several existing defibrillators in the wider area and so the provision of another only attracts limited weight.

18. In combination, the benefits do not outweigh the harm I have identified. I acknowledge that Section 10 of the National Planning Policy Framework supports the provision of electronic communication infrastructure. However, when read as a whole, the Framework seeks to ensure that new development preserves character and appearance and public safety. I have set out why that would not be the case in this instance.
19. An appeal was allowed in 2018 which granted prior approval for the siting of a telephone kiosk. However, the proposed smart hub is quite different to the kiosk and the considerations for prior approval are also not the same as those that fall under the scope of full planning permission. As such, the two schemes are not directly comparable, and the outcome of that appeal does not alter my conclusion in this case.

Conclusion

20. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. As a result, Appeal A is dismissed, and Appeal B is also dismissed.

C Butcher

INSPECTOR