
Appeal Decision

Site visit made on 19 December 2016

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th January 2017

Appeal Ref: APP/T5720/Z/16/3154998

56A High Street, Wimbledon, London, SW19 5EE

- 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 Andrew Jordan against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P1772, dated 15 April 2016, was refused by notice dated 21 June 2016.
 - The advertisement proposed is a Double sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via secure remote connection. In the event of an emergency, TfL will be able to override the advertisement function and display an 'Emergency Message', alerting the public of immediate danger.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the advertisement on the character and appearance of the area and upon public safety.

Reasons

3. The appeal site lies on the High Street, just to the west of the historic village centre of Wimbledon, and is within the Wimbledon Village Conservation Area. The area is an attractive, primarily commercial area, with shops and restaurants lining the road. The area maintains the character of a village centre and in the vicinity of the appeal site is enhanced by sensitively designed street furniture such as a tree and accompanying metal guard, and a large square wooden planter. Other more functional street furniture is also present nearby in the form of road signs, litter bins and a letter box.
 4. A bus stop and shelter is in place at the appeal site at present. The shelter has a reasonably simple design, being metal framed with an overhanging roof to protect those waiting or sitting on the narrow red bench provided. Set into the western end of the shelter, and facing towards the east is a fairly unobtrusive electronic display board, detailing the future arrival times and destinations of bus services. The proposal would replace the existing shelter with a new one; the eastern end of the shelter would be compromised of a double sided digital display with a visible screen size of 1.9m², which would show printed
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- advertisements on its pavement side and a digital screen towards the inside of the shelter, displaying adverts or emergency messages when necessary.
5. Whilst forming an integral part of a new bus shelter, the proposal would introduce a large backlit advertisement into the local street scene. When viewed from the east, the sign would detract from the softening effect of the wooden planter and tree on the street scene, and the size, depth, and material of the advert would contrast adversely with other adverts nearby which are generally of a smaller scale and more traditionally designed. Although I note that the appellant states that a condition could be placed concerning the luminance of the advert, the presence of such a large lit up display would be alien to the character of the surroundings, introducing visual clutter and harming the character and appearance of the conservation area.
 6. I note that the advertisement would provide an integral part of a modern shelter, with improved information and comfort for bus travellers, and that revenue generated from the adverts helps to improve the public transport network. Whilst I can appreciate these benefits of the overall scheme to the travelling public, I do not consider that they outweigh the adverse effect that the proposal would have on this sensitive location.
 7. The Council also raise concerns over the effect of the proposal on public safety. However, whilst the new proposed structure would be wider than that existing, the pavement is reasonably wide in this location. The pavement bulges outwards just to the east of the site, a fact which is not apparent on the plans. This pavement is then roughly split in two by a row of inset cobbles, to the road side of which lies the existing shelter, as well as the planter, tree and post box. The proposed advert, as part of the new shelter design would remain within this roadside area of the sets, and would leave a reasonably wide area for pedestrians, including wheelchair users and pushchairs, to continue to move freely and easily.
 8. In their decision the Council refer to a number of policies in the Core Strategy¹ and the SPP². Whilst not decisive, I have had regard to policies DM D1, DM D4, and DM D5 which together state that development proposals must impact positively on the character of the public realm, and seek to conserve and where appropriate enhance the Borough's heritage assets and distinctive character, and that consent will only be granted for advertisements where they do not harm the character of the area. For the reasons given above, I consider that the proposal would be contrary to such policies.

Conclusion

9. Therefore, whilst I consider that the proposed advertisement would not be harmful to public safety, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed as the advertisement would be detrimental to the character and appearance, and thus to the amenity, of the area.

Jon Hockley

INSPECTOR

¹ London Borough of Merton, Core Strategy July 2011

² London Borough of Merton, Sites and Policies Plan and Policies Maps July 2014