



Appeal Decisions

Site visit made on 4 May 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2023

Appeal A Ref: APP/H5960/W/22/3305352

Pavement outside Stamford Square, Upper Richmond Road, Wandsworth, London, SW15 2BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JCDecaux UK Limited against the decision of London Borough of Wandsworth.
 - The application Ref 2022/1377, dated 30 March 2022, was refused by notice dated 14 July 2022.
 - The development proposed is to install an open access Communications Hub.
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Appeal B Ref: APP/H5960/H/22/3305358

Pavement Outside Stamford Square, Upper Richmond Road, Wandsworth, London, SW15 2BP

- The appeal is made under section 17 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JCDecaux UK Limited against the decision of London Borough of Wandsworth.
 - The application Ref 2022/1433, dated 30 March 2022, was refused by notice dated 14 July 2022.
 - The development proposed is to install an open access Communication Hub.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. The description of development for both appeals is taken from the application forms. The communications hub would provide on one side of the unit a touch screen for wayfinding, a telephone handset, a USB charger, access to wi-fi and a defibrillator within a case. The other side of the unit would comprise an LCD portrait screen, 1895mm by 1065mm, to show static illuminated commercial and community content remotely changed via a secure ISDN line; it would be turned off between 11:59pm and 6:00am.
4. The proposal also includes removal of a telephone kiosk outside 147 Upper Richmond Road, and provision of a defibrillator on the wall of Putney Station.

Main Issues

5. The main issues are the effect of the proposal on local visual amenity and on public safety including vehicle and pedestrian movements.

Reasons

Visual amenity

6. The hub would be located on the footway to the south side of the road outside the entrance to Stamford Square, a modern high-rise development enclosed at ground floor level by a supermarket to its western side and a coffee shop to its eastern side. The footway and paved area of the square combine to form an extensive open area. There is modest signage to these commercial units and tables and chairs for the coffee shop on its forecourt.
7. The surrounding area is mainly commercial in character. There is a 3-storey terrace with ground floor shop units on the opposite northern side of the road; signage here relates mainly to shop fascias and most are non-illuminated. To the east are railway bridges between which are large non-illuminated advertisement hoardings facing the road. Upper Richmond Road to east and west of the site has a bustling nature with many commercial enterprises.
8. The hub would be sited in a relatively open position separated from other street furniture. The advertisement would be a conspicuous and incongruous feature in the street scene by reason of its size, isolated siting and its illumination. It would contrast with the nature of advertising material in the immediate locality which is more subdued in nature and would be unduly prominent within the open context of Stamford Square. The range of connectivity facilities on the reverse side to the hub would provide community benefits which would not be intrusive in the street scene, but these necessarily have to be assessed in association with the advertisement which forms an essential part of the proposal.
9. Regulation 3(1) to the Control of Advertisement Regulations (2007) states, “A *local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors.*” The provisions of the development plan have greater express relevance to applications for planning permission.
10. The proposal would conflict with Policy DSM1 of the Wandsworth Development Management Policies Document (2016) (DMPD) on general development principles, particularly at (o) where it states that “*the layout, design, paving and furnishing of public spaces reflects the character and appearance of surrounding buildings, and is designed so as to minimise street clutter, obstruction and visual intrusion*”. There would similarly be conflict with the Policies D3 and D8 of the London Plan (2021) which encourage development proposals to enhance local context including the public realm. The proposal would not be compatible with Paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
11. The appellant points out that the proposal is part of a programme to replace its existing telephone estate with hub units providing greater community benefits. Furthermore, “*the provision of well-designed and functional modern furniture can be successfully integrated within busy commercial centres without harming local character or visual amenity*”. Whilst I accept the generality of these comments, each proposal must be considered on its individual merits and my finding is the proposal would appear out of place and scale in the site’s context.

12. The appellant comments that the proposal would be similar in scale to other roadside displays and structures, particularly to 70 Upper Richmond Road. Here there is a non-illuminated sign providing directions to a builder's merchants set behind the road frontage. The display is mounted on the eastern face of a rail bridge next to a narrow section of footway. It does not have an open context and does not set a precedent for the proposed advertisement.
13. Advertising does form part of the fabric and character of retail locations such as Upper Richmond Road, but the site circumstances and suitability for the siting of illuminated signs, such as incorporated within the proposed hub, vary along different parts of the road. The communications hub is a modern initiative and would be seen against the backdrop of a modern development at Stamford Square but would nonetheless be an unduly conspicuous feature in the site's open context and would thereby be detrimental to visual amenity.

Public safety

14. According to the appellant's measurements, the hub would be positioned 0.7m from the kerb edge and 3.1m from the back edge of the footway. There is a row of metal bollards separating the footway from open paving within Stamford Square. Pedestrians can readily pass through the bollards to visit the coffee shop, supermarket or the square. Just to the east of the appeal site, a concrete support fin to the high-rise building projects in front of the bollards forming a barrier to free movement in front of the coffee shop and effectively channelling pedestrian movements along the footway to the proposed location of the hub.
15. During my site visit I noted that this is a busy section of the footway with pedestrians approaching the site from both directions along Upper Richmond Road. When passing each other, the full width of the footway is used. There tends to be a pulse of pedestrians passing the site when exiting East Putney Station by the rail bridges. The row of bollards to the square also tends to restrain pedestrians just passing the site from walking through the near open parts of the square. It is my judgement that the location of the hub would cause an obstruction to the present free flow of pedestrians at the site.
16. The hub would be located alongside zig zag road markings on the approach to a signalised pedestrian crossing. The traffic light signals regularly change as this is a well-used crossing point along this busy road. The Highway Authority is Transport for London (TfL) who comment, "*The display unit may pose a potential distraction at a point where driver concentration is critical, thus endangering the safety of those using the crossing along with cyclists*". For this reason, TfL do not support the proposal. My observations at the site concur with TfL's findings.
17. The proposal would thereby conflict with Policies T2 and T4 of the London Plan which promote street safety, comfort, convenience and amenity and prevent an increase in road danger. There would also be conflict with Policy DMS8 of the DMPD which sets out that consent will be granted for advertisements where they do not harm public safety.

Other Matters

18. The proposal would provide community benefits in relation to connectivity at the site, a defibrillator within the unit and another at Putney Station. But these benefits would not outweigh the harm to visual amenity and public safety.

19. The removal of the telephone kiosk outside 147 Upper Richmond Road would provide a benefit through the reduction of the amount of street furniture and clutter, particularly if the kiosk has now become little used; but the decisions must turn on the merits of the proposal at the appeal site itself. The site at 147 Upper Richmond Road is located between a bus shelter and a row of bike racks and as such does not constrain pedestrian movements. This is also the case for the approved communication hub site on Putney Bridge Road referred to in the appellant's submissions.
20. The Putney Society and interested parties have made representations in support of the proposal in relation to the benefits arising from the installation of publicly accessible defibrillators. They point out that there is no legal requirement for Tube or Railway stations to have defibrillators installed. I acknowledge the undoubted health benefits of having quick access to a defibrillator. However, applications for advertisement consent can only be considered in relation to visual amenity and public safety. The proposal at the Stamford Square site fails in relation to both visual amenity and public safety.

Conclusion

21. For the reasons given above, I conclude that the appeals should be dismissed.

Rory MacLeod BA (Hons) MRTP

INSPECTOR