



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/22/3305336

Pavement outside Dexters, 176-178 Putney High Street, Wandsworth, London, SW15 1RS

- 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 2022/1374, 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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Appeal B Ref: APP/H5960/H/22/3305338

Pavement outside Dexters, 176-178 Putney High Street, Wandsworth, London, SW15 1RS

- 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 2022/1441, 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 description on the Council's decision notices erroneously refer to a double sided illuminated display; a single sided advertisement is proposed.
 4. 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.
 5. The proposal also includes removal of a pavement telephone kiosk outside 147 Upper Richmond Road, not far from the site, and provision of a secure defibrillator on the wall of Putney Station, on the opposite side of the road.
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Main Issues

6. The main issues are the effect of the proposal on local visual amenity and on pedestrian movements.

Reasons

Visual amenity

7. The appeals relate to a relatively wide part of the public footway alongside a row of single storey shop units on a road bridge over rail lines. The immediate locality is commercial in nature. Signage on the shop units is predominantly non-illuminated and includes several A-boards on the footway. There are illuminated signs in the wider area including two bus stops on the opposite side of the road with illuminated panels incorporated into the bus shelters.
8. The advertisement face to the communications hub would be a prominent and relatively isolated feature seen on gently rising land when approaching from the south at the junction with Upper Richmond Road. Its conspicuous nature would be heightened by its illumination and the absence of other street furniture at this point apart from a much smaller litter bin. The proposal would be detrimental to local visual amenity in relation to its siting and appearance.
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 Policies D3 and D8 of the London Plan (2021) which encourage development proposals to enhance local context including the public realm. The proposal would also conflict 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*" and that the proposal "*is similar in scale and appearance to other forms of roadside display/structure found along Putney High Street and surrounding roads*". 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 has provided a photo of an installed hub site on Putney Bridge Road. This is in a less conspicuous position than at the current appeal site, set in from the kerb with a series of bollards and located between street trees so as not to interfere with the natural path of pedestrian flows.

13. Removal of the telephone kiosk outside 147 Upper Richmond Road would provide a visual amenity benefit through the removal of street furniture and clutter, particularly if the kiosk has now become little used; but the decisions must turn on primarily on the merits of the proposal at the appeal site itself.
14. The proposal would provide community benefits in relation to connectivity and provision of defibrillators within the unit and at Putney Station. But these benefits would not outweigh the harm that would arise to visual amenity.

Pedestrian movements

15. The footway is 5.5m wide at the appeal site, according to the appellant's measurements, and the proposal would leave a clear footpath width of 3.45m between the hub and shop units. The site and its surroundings form a busy area for pedestrians utilising the many bus stops and train connections and in visiting the shops and stalls by the station. At the time of my site visit many pedestrians walked across the section of the footway where the hub would be located. Yet notwithstanding this busyness, and presence of A-boards, in my judgement, the remaining width of footway for pedestrians would not be so constrained as to materially obstruct pedestrian movements.
16. The footway width is more constrained to the south by the public house on the corner of Upper Richmond Road, and to the north between a bus stop and a 3-storey building. In these locations pedestrians walked slowly to negotiate the restrictions. The hub would be unlikely to constrain pedestrian in this way.
17. The Council's appeal statement states that the advertisement display would be a distraction for drivers, but this did not form part of the Council's refusal reasons. Putney High Street forms part of the strategic road network managed by Transport for London (TfL). TfL have expressed concern about the proximity of the hub to the kerb edge and to the bus stop just to the north of the appeal site but did not formally object to the proposal. TfL suggested conditions to limit the impacts of the advertisement display. I have no reason to disagree with this reasoning in relation to public safety.
18. As such, the proposal would not conflict with Policy T2 of the London Plan or with Policy DMS8 of the DMPD in relation to pedestrian movements on the footway or with wider public safety issues.

Other Matters

19. The Putney Society and other interested parties support the proposal in relation to benefits arising from the installation of publicly accessible defibrillators. They point out that there is no legal requirement for 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 (usually relating to highway considerations). The proposal fails in relation to visual amenity.

Conclusion

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

Rory MacLeod BA (Hons) MRTPI

INSPECTOR