



Appeal Decisions

Site visit made on 16 July 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal A Ref: APP/T5720/W/23/3335616

Pavement o/s 13 Station Buildings, Coombe Lane, Raynes Park, London SW20 8NE

- 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 Martin Stephens (JCDecaux UK Limited) against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P2431.
 - The development proposed is a communication hub unit with defibrillator.
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Appeal B Ref: APP/T5720/H/23/3335617

Pavement o/s 13 Station Buildings, Coombe Lane, Raynes Park, London SW20 8NE

- The appeal 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 consent.
 - The appeal is made by Mr Martin Stephens (JCDecaux UK Limited) against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P2123.
 - The advertisement proposed is a LCD screen display integrated into a freestanding communication hub.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals relate to the same site and to each other. I have considered each on its individual merits, but as they are intrinsically linked and raise similar issues, I have combined these cases in a single decision letter.
4. With respect to appeal B, the Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. The development plan policies referred to by the Council are therefore not determinative in relation to this appeal, but I have taken them into account as a material consideration where relevant to the matters under consideration.

Main Issue

5. The Council did not raise any objections in relation to character and appearance/amenity. Therefore, the main issue for both appeal A and B is the effect on the safe and efficient operation of the pedestrian/cycle environment.

Reasons

6. The proposed communication hub with its integrated digital advertising screen would be positioned within the pavement outside a row of shops. The unit would be around 2.63m high, 1.38m wide, and 0.3m in depth, and would be sited perpendicular to the road, about 0.5m from the pavement edge.
7. While the pavement is relatively wide at this point, it also functions as a shared space cycle route. In addition, there is a marked bus stopping area (bus cage) along this stretch of the road. As such, the pavement facilitates the movement of a range of users, including those getting on and off buses.
8. There are already numerous items of street furniture positioned towards the edge of the pavement, including a parking meter, bins, streetlamps, post box, bus shelter, and cycle stands. I saw that these largely channel the flow of pedestrians and cyclists to the clear section of the pavement, which the appellant advises is over 3.25m wide. As the proposed communication hub would be similarly aligned with the existing street furniture, I am satisfied that it would not unduly obstruct or impede the free flow of pedestrians and cyclists along the main clear part of the pavement.
9. However, there is little before me to demonstrate that the siting of the communication hub would not obstruct or interfere with the movements of bus passengers as they queue or get on and off the buses. The existing street furniture already impedes this to some degree and is likely to influence where the buses can stop. The proposed communication hub would further reduce the available space for this, potentially making the situation worse. Without specific evidence in this regard, I am unable to conclude that the proposal would not impair the convenient movement of bus service users, to the detriment of the safe and efficient operation of the pedestrian environment in this location.
10. Thus, there is conflict with Policy CS18 of the Merton Core Strategy 2011 (the MCS) where it seeks to prioritise the access and safety of pedestrians and other active transport modes, and ensure the pedestrian environment is safe, enjoyable, and attractive. There is also conflict with Policy CS20 of the MCS where it requires developers to demonstrate that their development will not adversely affect pedestrian movements, safety, the convenience of local residents or the quality of bus movement and/or facilities. In addition, there is conflict with the National Planning Policy Framework where it seeks to prevent the negative impact of poorly sited advertisements.

Other Matters

11. Concerns have been expressed that the proposal could potentially prejudice future cycle route improvements, but no specific details of such a programme are before me and the timescales are unknown. Consequently, this matter has little bearing on my consideration of the appeals.
12. The appellant has highlighted various benefits associated with the development, but in reality, the benefits from an individual unit would be at a very small scale and it has not been satisfactorily demonstrated that this is the only location and manner in which the development could take place.

Conclusion

13. For the reasons given, it has not been demonstrated that the proposals would not be harmful to the safe and efficient operation of the pedestrian environment, particularly in relation to bus service users. For Appeal A, there would also be conflict with the development plan in these regards. This harm outweighs any public benefits that would arise. Accordingly, both Appeal A and Appeal B should be dismissed.

A Caines

INSPECTOR