



Appeal Decision

Site visit made on 16 September 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/T5720/Z/24/3342821

19 The Broadway, Merton, London, SW19 1PS

- 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 JC Decaux UK Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref is 23/P2130.
 - The advertisement proposed is described as the '*installation of advertised communication hub unit with defibrillator*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in the name of JC Decaux Ltd. The appeal was made in the name of Infocus Public Networks Limited, understood to be a subsidiary company of the original applicant. It has subsequently been confirmed that the appeal should succeed under the original applicants' name. I have considered the appeal on this basis and am satisfied that the applicants and appellants are one and the same.

Main Issue

3. The Council has raised no concern regarding the effect of the proposed advertisement on public safety. I have no reason to disagree. The main issue therefore is the effect of the proposal on the visual amenity of the area.

Reasons

4. The appeal relates to land on the pavement within a commercial shopping centre and at the core of The Wimbledon Broadway Conservation Area (CA). I saw this to be a pleasant and vibrant town centre comprising a mix of old and sympathetic new architecture, with many buildings displaying historical features and architectural interest, and a spacious public realm characterised by wide roads, pavements and other pedestrianised areas, peppered with street trees. The proposal is for the installation of a structure termed a Communication Hub with free to use public service digital communication technology and a defibrillator to one side and a digital advertisement display to the other. The unit would sit on the public footpath and would measure just over 2.6m in height, approximately 1.4m wide and with a depth of around 1m

- when taking the canopy measurement over the communication technology side into account.
5. The appellants argue that digital advertising can be part of a well-designed array of street furniture. Whilst that may be true in general terms, the circumstances and context of each case is key. During my visit I observed that the wide pavements and public spaces within the vicinity of the appeal site have limited clutter save for functional pieces of low level street furniture, mostly in the form of seating and bicycle racks. On the pavement opposite the appeal site there is a sympathetic looking and purposeful bus shelter with an integrated double sided advert panel as an enclosure to one side. When this example is taken with the commercial signage associated with the variety of business premises more widely, I found the extent of advertising within the CA to be appropriately respectful of the area's special character, being restricted and subtle in terms of numbers and visual impact.
 6. In contrast, the proposed advert would stand tall and prominent as an isolated and extraneous addition to the public realm. In my assessment it would have a conspicuous and inharmonious presence that would narrow the area's characteristically wide pavement at this point and which would add unwelcome clutter at the heart of the CA. This would be harmful to the amenity of the area, which means that neither the character nor the appearance of the CA would be preserved.
 7. I have been directed to other advertisements and items of street furniture in the area, however nothing struck me as having an overall effect that was directly comparable to the appeal proposal in terms of siting, context, form or visual impact. Moreover, other examples do not set a precedent for an advertisement that I find would be harmful for its own specific reasons. I am mindful also of the accumulation of harm to amenity within the CA, to which I attach significant weight.
 8. Policy DM D5 Advertisements of the Merton Sites and Policies Plan 2014 states that express consent will only be granted for advertisements where they do not harm the character of an area, amenity or public safety. The harm to the area's character and amenity means that there would be conflict with Policy DM D5, which is a material consideration that weighs further against the proposal.
 9. Paragraph 141 of the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. It also states that the quality and character of places can suffer when advertisements are poorly sited and designed. Having viewed the site from various aspects along Wimbledon Broadway, for the reasons given I find that the proposed advertisement would appear poorly sited and poorly designed within the street scene. This would be to the detriment of amenity. Other factors put to me by the appellants are not relevant to my assessment. Consequently, based upon the harm that I have identified, the appeal is dismissed.

John D Allan

INSPECTOR