
Appeal Decisions

Site visit made on 16 September 2025

by **Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal A Ref: APP/T5720/W/24/3353851

Pavement outside Starbucks, 5-10 Wimbledon Hill Road, London SW19 7NS

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P2128.
 - The development proposed is the installation of "Pulse Smart Hub" with integrated digital screens.
-

Appeal B Ref: APP/T5720/H/24/3353853

Pavement outside Starbucks, 5-10 Wimbledon Hill Road, London, SW19 7NS

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P2127.
 - The advertisement proposed is the installation of "Pulse Smart Hub" with integrated digital screens.
-

Decision

1. The appeals A and B are dismissed.

Preliminary Matters

2. The two appeals relate to the same structure and site and have been considered together, although separate formal decisions are issued. Appeal A concerns the installation of the structure itself, while Appeal B concerns the display of advertisements upon it.
3. With regards to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of the appeal.

Main Issues

4. The main issues in relation to Appeal A are:
 - the effect of the development on the character and appearance of the area;

- the effect of the development on highway safety; and
- the effect of the development on trees.

5. The main issues in relation to Appeal B are:

- the effect of the proposed advertisement on amenity; and
- the effect of the proposed advertisement on public safety.

Reasons

Appeal A

Character and appearance

6. The appeal site lies within the busy commercial frontage of Wimbledon Hill Road, lined with mature street trees, outdoor café seating, and a variety of street furniture such as benches, litter bins and bike racks. The surrounding area is very busy, especially at peak hours, with high vehicular traffic and frequent pedestrian activity.
7. The proposed structure, standing some 2.54m high, would introduce a large, illuminated feature within one of the few relatively open gaps between the trees. Its modern form, height and internally illuminated digital screens would draw significant visual attention, particularly in contrast with the muted materials of the existing street furniture. It would be an intrusive and visually dominant addition that would exacerbate the amount of street clutter.
8. The appellant refers to a 2018 appeal decision¹ which allowed a telephone kiosk at this location. However, the earlier proposal pre-dated the Future Wimbledon Supplementary Planning Document 2020 (SPD) which seeks to de-clutter and improve the public realm to make the town centre more attractive and legible for pedestrians. Planning permission was also granted in 2023 for the St George's East redevelopment² which would provide new tree planting, rain gardens and public realm enhancements along this section of pavement. The setting and policy context has therefore materially changed. The 2018 permission was also never implemented and has now expired, so it attracts limited weight.
9. The appellant contends that the proposed hub is more streamlined and of smaller footprint than the previously approved kiosk. While the depth and overall scale may be reduced, the proposed structure would remain tall, solid, over 1.28m wide and illuminated on both sides. In the context of the narrow gap between trees and the surrounding street furniture, the proposed hub would appear bulky and incongruous.
10. The unit would also be positioned immediately adjacent to outdoor seating areas associated with the nearby café. Its bulk, illumination and commercial appearance would detract from the enjoyment of those spaces and diminish the quality of the setting for the people using them. In turn, this would adversely affect the character and overall ambience of this part of the street, which currently benefits from a relatively pleasant environment beneath the large mature trees.

¹ Appeal reference APP/T5720/W/18/3193517

² Planning application reference 21/P3163

11. For these reasons, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies DM D1 and DM D2 of the Merton Sites and Policies Plan of the Merton Plan (2014)³ (Local Plan) and Policy D8 of the London Plan (2021) insofar as they seek to ensure proposals are well-designed, compatible with surrounding character, and provide permeable and easily navigable streets. It would also not adhere to the aims of the Future Wimbledon SPD insofar as it seeks to de-clutter streets and improve the public realm and pedestrian legibility.

Highway Safety

12. The proposed siting, close to the kerb and between existing trees and benches, would further narrow the usable part of the footway in a location with consistently high pedestrian flows. The structure would reduce the available walking space and constrain movement, particularly for wheelchair and pram users.
13. Although highway safety was not cited as a specific reason for refusal on the decision notice, the Council's officer report and consultation responses highlighted the narrowing of the footway and its impact on pedestrian movement. Those concerns are material, as the reduction in width would directly affect the safe and efficient use of the pavement by those passing along the frontage.
14. The appellant argues that the pavement is sufficiently wide to accommodate the unit and that pedestrians tend to use the inner edge rather than the kerbside. However, this does not negate the effect of introducing a solid obstacle into the walking route, particularly given the presence of existing street trees, bins and outdoor café seating. Even short-term obstructions or localised narrowing can cause congestion, impede pedestrian flows and force people closer to the carriageway, particularly during busy hours.
15. For people using wheelchairs, mobility aids or prams, the resulting pinch point would make navigation more awkward and could lead to users having to slow down, divert, or move closer to the kerb. In a high-footfall location such as this, such effects would compromise accessibility and comfort, reducing the inclusiveness of the public realm.
16. Furthermore, since 2018 there has been a notable increase in the use of on-street hire bicycles and e-scooters, which are frequently parked on sections of pavement such as the appeal site. These additional elements further constrain movement and demonstrate that the street environment has evolved in a way that intensifies competition for space. Consequently, the circumstances are not directly comparable with those assessed by the Inspector in 2018.
17. Taken together, the narrowing of the footway and increased clutter would harm pedestrian movement and undermine the accessibility and safety of the public realm. The proposal would therefore harm highway safety and conflict with Policy DM D2 of the Local Plan and Policy D8 of the London Plan insofar as they seek to ensure proposals do not harm highway safety and ensure the public realm is well-designed, safe, accessible, and inclusive.

³ London Borough of Merton, 'Site and Policies Plan and Policies Map', Merton Local Plan, July 2014.

Effect on trees

18. The proposed structure would be located within the root protection areas of the adjacent mature street trees. No Arboricultural Impact Assessment was submitted and no evidence demonstrates that the proposal could be installed without risk of root disturbance.
19. The appellant refers to the 2018 appeal decision, in which the Inspector concluded that the kiosk would not harm the street trees. However, that finding was made on the basis of a different design and without reference to current site conditions or the landscaping proposed as part of the St George's East redevelopment scheme. The absence of up-to-date Arboricultural information in this case means that the earlier conclusion cannot be relied upon. The appellant suggests this could be addressed by a planning condition, but in the absence of any baseline assessment it is not possible to determine whether harm could be avoided.
20. Accordingly, I cannot be satisfied that the development would preserve the health or longevity of the trees, which make an important contribution to the character of the street. The proposal therefore conflicts with Policy DM O2 of the Local Plan and Policy G7 of the London Plan insofar as they seek to ensure proposals protect and maintain existing trees.

Appeal B

Amenity

21. The two digital displays would be large, bright and positioned in a visually prominent location along a busy and highly visible section of Wimbledon Hill Road. The proposed screens would further contribute to visual clutter and detract from the coherence of the streetscene.
22. By introducing an illuminated commercial feature immediately beside outdoor café seating areas, the proposal would not only add to visual clutter but also adversely impact the amenity of the space. The contrast between the large black glass panels and surrounding trees would draw undue attention to the unit, making it appear out of keeping within this particular section of pavement. It would detract from the pleasant tree-lined character that defines this part of the street.
23. The appellant refers generally to other examples of digital screens and Pulse Smart Hub installations elsewhere in London but provides no site-specific details or supporting evidence. None have been provided in a directly comparable context, namely within such close proximity to trees, benches and outdoor seating. In the absence of such information, those references carry little weight in the assessment of the impact of this proposal within its own distinctive setting.
24. I therefore find that the advertisement would have a harmful effect on the visual amenity of the area. I have also had regard to the objectives of Policies DM D2 and DM D5 of the Local Plan and Policy D8 of the London Plan, insofar as they relate to amenity.

Public safety

25. The appellant states that the digital displays would not obstruct visibility at the nearby junction and emphasises that the display brightness and image transition times would comply with industry standards noting that similar installations operate

safely elsewhere in London. Whilst I have no evidence to dispute those claims, each case must be assessed on its individual context.

26. In this instance, the proposal would occupy a narrow section of pavement with existing street furniture, trees and consistently high pedestrian activity in close proximity to a junction and pedestrian crossing. Its solid sides and bulk would reduce the available walking width, while the illuminated screens would form a conspicuous and potentially distracting feature within a location where pedestrians, cyclists and vehicles converge. The emergency and charging functions of the unit could also encourage people to stop or gather around it, increasing the likelihood of conflict between stationary users and those walking past.
27. Although these effects would not give rise to a direct vehicular highway safety issue, they would nonetheless prejudice pedestrian safety and convenience. In this respect, it would have a harmful effect on public safety, contrary to the provisions of the Framework and guidance within the PPG, which seek to control advertisements in the interests of public safety.

Other Matters

28. I have had regard to the appellant's claims that the proposal would deliver a range of public benefits including free Wi-Fi, digital mapping, emergency call functions, charging points, integrated opioid antagonist medication and a defibrillator. These are socially positive in principle. However, no evidence demonstrates a specific local deficiency or need for such facilities. The provision of these facilities and features do not amount to vital and significant public benefits. The limited weight they attract would not outweigh the considerable weight attached to the harm that would arise from the proposal.
29. I also note the appellant's reliance on case law concerning consistency in decision-making. However, consistency does not mean uniformity. Material differences in context, policy and design since the 2018 appeal provide clear and reasonable grounds for a different outcome in this case.
30. National policy supports improved digital infrastructure, but developments must also be well-sited, inclusive and compatible with their surroundings. In this case, the claimed technological and community benefits would not address or outweigh the tangible and enduring harm identified to the character and appearance of the area, nor the adverse effects on amenity and pedestrian movement.

Conclusion

31. Appeal A conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons, Appeal A should be dismissed.
32. For the reasons given above, the proposed advertisement would be harmful to amenity and public safety. Therefore, Appeal B should be dismissed.

Thomas Courtney

INSPECTOR

Appendix 1

- List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/T5720/W/24/3353851	Urban Innovation Company (UIC) Ltd
Appeal B	APP/T5720/H/24/3353853	Urban Innovation Company (UIC) Ltd