



Appeal Decisions

Site visit made on 26 November 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2026

Appeal A Ref: APP/N5660/W/25/3372042

Pavement outside 34 Clapham High Street, London SW4 7UR

- 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 Lambeth.
- The application Ref is 25/01562/FUL.
- The development proposed is Installation of "Pulse Smart Hub" with integrated digital screens.

Appeal B Ref: APP/N5660/H/25/3372043

Pavement outside 34 Clapham High Street, London SW4 7UR

- 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 Lambeth.
- The application Ref is 25/01563/ADV.
- The advertisement proposed is Installation of "Pulse Smart Hub" with integrated digital screens.

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The two appeals are made in respect of the same appeal site and in relation to each other. Both appeals relate to the installation of a 'Pulse Smart Hub' with integrated digital screens; Appeal A to the Council's refusal of planning permission for it, and Appeal B to the refusal of advertisement consent for the display of advertisements on the display panels on the front and rear faces of the structure.
4. With regard to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reasons for refusal refer to a number of Policies¹ of the Lambeth Local Plan² (the LLP) and the London Plan (LonPlan) in respect of matters relating to amenity and public safety. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken the local plan policy into account insofar as it is material to matters of amenity, it has not been decisive in my consideration of this appeal.

¹ Policies Q2, Q3, Q5, Q6, Q17, Q20, Q22, Q23, T1, T2, T3, T4 and T9 of the LLP and Policy T4 of the London Plan

² Lambeth Local Plan 2020-2035 – adopted September 2021

5. Both parties have referred to a previous application made in 2017³ (the 2017 application) in respect of matters under Schedule 2, part 16 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) for a telephone call box on pavement outside 34 Clapham High Street. A subsequent appeal against the Council's refusal of that application succeeded but the approval was not implemented, and it is common ground that it has since expired. Whilst I have been supplied with the Council's officer delegated report and the appeal decision, I do not have the detailed plans or drawings of that proposal, including its location within the pavement or the elevations / plans showing the telephone call box.
6. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

7. Having regard to the above, the main issues in respect of Appeal A are the effects of the proposed development upon:
 - The character and appearance of the Clapham High Street Conservation Area; and
 - Pedestrian, highway and public safety.
8. With regard to Appeal B, the main issues are the effects of the proposed advertisement display upon:
 - Amenity; and
 - Public safety.

Reasons

Character and appearance / Amenity

9. The appeal site lies within the Clapham High Street Conservation Area (the CA) and adjacent to the grade II listed Bowyer House⁴. Bowyer House is set back from Clapham High Street, but with a projecting parade of ground floor shop units that project forward to the street and which house a variety of commercial uses in a varied mix of modern shopfronts.
10. The pavement at this point is wide and largely devoid of substantial elements of street furniture, with the exception of a bus shelter set back within the pavement a short distance further along the street and a double telephone kiosk closer to the junction with Edgeley Road. Smaller, lower and more slender items of street furniture tend to be sited closer to the carriageway edge and include occasional street trees, lamp-posts, CCTV columns and bicycle stands.

³ LPA Ref No: 17/02293/G24 – Appeal Ref No: APP/N5660/W/17/3182586

⁴ Also known in its official listing as 'Bowyer House (Rear of numbers 34 and 36), 24-30 (even) Clapham High Street SW4

11. It is within this pavement area closer to the carriageway edge where the proposed 'smart hub' would be located. It would be in the region of 0.6 metres back from the carriageway edge and would measure some 1.29 metres in width, at 90° to the pedestrian flow along the pavement. At over 2.5 metres in height, the hub would be a significant and solid visual intrusion into an area of the pavement that is either largely open and uncluttered, or which tends to accommodate more slender and discrete items of street furniture.
12. In the context of a commercial setting with shopfronts and shopfront advertising, public telephone boxes and bus shelters, all of which the appellant notes are commonly found in such areas, advertisements are not uncommon. The appellant has drawn my attention to a previous appeal decision in respect of the 2017 application for a telephone call box. The content of the appeal decision letter has been set out extensively. As a consequence, I am invited to consider that because a 'bulkier telephone kiosk' was considered not to harm the character and appearance of the CA and setting of the listed buildings or unacceptably add to clutter of street furniture and signage, that the current appeal proposal would not result in harm. The importance of consistency in decision making is set out within the appellant's submissions.
13. The appeal scheme differs from the previously approved telephone kiosk. The Inspector's reasoning was clear that the 2017 scheme was not dissimilar to a bus shelter, and utilitarian in its appearance. The proposed hub would be a solid visual 'slab' located prominently within the public realm. It would be utilitarian in its appearance due to its box-like shape but without the associated context of a bus shelter, and as such it would appear alien and out of context in this position within the public realm. Furthermore, because of its visual and physical solidity and its intended purpose on its front and rear faces of displaying digital images and advertisements, it would have a visually disruptive presence as a free-standing structure within a part of the public realm isolated from the prevailing pattern of shopfronts.
14. Under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the Clapham High Street Conservation Area⁵. I am also required to do likewise with regard the preservation of the setting⁶ of the nearby grade II listed Bowyer House.
15. Clapham High Street has an open and spacious feel towards the eastern extent of the CA. The pavements are wide and, particularly in the case of the buildings adjacent to the appeal site, are limited to single storey shopfronts and shop units, with larger mansion buildings, including Bowyer House, set some way behind. Although the shop units have a mix of styles, the proposed 'hub' would stand somewhat isolated within the pavement, detached from the commercial character of the shopfronts and be considerably bulkier than the majority of street furniture in the immediate vicinity.
16. In the context of Appeal A, the proposal would fail to preserve the character or appearance of the CA as a consequence, thereby causing harm albeit that harm would be less than substantial. Nevertheless, harm in this context still carries

⁵ Section 66(1)

⁶ Section 72(1)

considerable importance and weight and requires the harm to be weighed against the public benefits of the proposal.

17. The proposed 'smart hub' would provide free phone calls and WiFi as well as ports for mobile device charging. The display panel would provide opportunities for the display of way-finding information, local 'what's on' information, weather updates and information on local authority services, as well as direct access emergency buttons and defibrillator access. It is also stated that the hub would be constructed of high-quality materials and would facilitate easy and quick maintenance and repair, as and when necessary. These are all public benefits that weigh in support of the proposal.
18. However, a significant proportion of the structure's surface area would be devoted to the media screens on its front and rear faces. Whilst there are benefits, as noted above, the harm that the 'hub's' scale, appearance and position within the public realm causes to the character and appearance of the CA, and of the surrounding area, are all such that the benefits do not outweigh this harm. For these same reasons, the incongruous nature and position of the structure would harm the ability to view and understand the setting and significance of the adjacent listed building.
19. For these reasons, in relation to Appeal A the appeal scheme is contrary to the collective aims and objectives of LLP Policies Q2, Q5, Q6, Q17, Q20, Q22 and Q23 which together seek high quality design that enhances local distinctiveness and the quality and appearance of the public realm. The appeal scheme would also fail to preserve or enhance the character or appearance of the Conservation Area. Whilst LLP Policy T9 is supportive of proposals to enhance digital connectivity and communications this is contingent upon schemes avoiding harm to the character and appearance of the site and its location, including the significance and setting of heritage assets, and avoid visual clutter.
20. With regard to Appeal B, the digital advertisement display panel would result in harm to the amenity of the area. This is contrary to the provisions and objectives of Framework paragraph 141 which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. Although not determinative in this instance, there would also be conflict with LLP Policies Q2, Q5, Q6, Q17, Q20, Q22, Q23 and T9 in so far as they relate to matters of amenity.

Pedestrian safety and public safety

21. The pavement in the area of the appeal site is generous in its width and relatively uncluttered by substantial items of street furniture. That which is present is smaller in scale than the proposed hub and largely positioned close to the edge of the carriageway in a similar manner to that of the appeal proposal.
22. The proposed smart hub would be sited in the region of 0.6 metres from the carriageway edge. The submitted plans shows that this would leave almost 4.5 metres of pavement width between it and the adjacent shopfront facades. Whilst I noted the presence of motorcycles parked on the pavement directly outside a nearby shop unit, by the Council's own calculations this would still leave a reasonable pavement width. Given the nature of the display of motorcycles, I also consider it unlikely that this would be a permanent feature restricting the width of the pavement.

23. It is not clear whether or not parked motorcycles were present at the time of the consideration of the previous appeal, but I am nevertheless satisfied that in the absence of compelling evidence or justification to the contrary, that the appeal scheme would maintain a sufficient pavement width so as to allow for the safe movement of pedestrians along the pavement. With regard to Appeal A, there would be no conflict with the aims and provisions of LLP Policies T1, T2, T3, T4, T9 or Q17, or with LonPlan Policy T4 which collectively seek to encourage sustainable travel patterns, including walking, and there would be no harm to pedestrian safety arising from the appeal scheme.
24. Nor, in respect of Appeal B, would the digital advertisement panels within the proposed smart hub cause harm to pedestrian movement or safety for the reasons as set out. Although not determinative in respect of Appeal B, the appeal scheme would be contrary to the aims and provisions of LLP Policies T1, T2, T3, T4, T9 or Q17, or with LonPlan Policy T4.
25. Existing, traditional telephone boxes within the borough have, according to the Council's submission, become spaces that encourage instances of anti-social behaviour and crime. The appeal proposal would not provide the level of enclosure that traditional telephone boxes do and thus anyone congregating at or around the proposed hub would be clearly visible from one or other direction.
26. Whilst the structure would present a substantial physical and visual barrier behind which it could be possible to hide, the area is well-lit, the pavement wide and in a busy area with a mix of uses, natural surveillance opportunities would not be entirely absent. It has been suggested by the Council that the combination of features provided by such smart hubs and the levels of associated illumination would act as a focal point for instances of anti-social behaviour. However, no evidence has been submitted to substantiate these concerns and thus, in the absence of such, I am not persuaded that crime and anti-social behaviour, as it would affect public safety, would justify the withholding of planning permission or advertisement consent in this instance.
27. Thus, with regard to Appeal A there would be no conflict with the provisions of LLP Policy Q3 and, with regard to Appeal B there would be no harm to public safety arising from the appeal scheme. Although not determinative in respect of Appeal B, there would also be no conflict with LLP Q3.

Other Matters

28. The appellant's 'Appeal Statement of Case' sets out its case for Appeals A and B, and for separate schemes 'outside 11-13 Clapham High Street'⁷ and on 'South Lambeth Road'⁸. In all three locations the appeals relate to section 78 planning appeals and appeals under Regulation 17 of the Regulations for similarly described 'smart hubs'. I have also been referred to case law⁹ regarding consistency in decision making from which the appellant notes the principle that previous appeal decisions on similar applications are material considerations and

⁷ LPA Ref Nos: 25/01564/FUL and 25/01565/ADV

⁸ LPA Ref Nos: 25/01566/FUL and 25/01567/ADV

⁹ 1) North Wiltshire DC v Secretary of State for the Environment & Clover (1993) 65 P&CR [1992] JPL955;

2) R (Midcounties Co-operative Limited) v Forest of Dean District Council [2017] EWHC 2056 (Admin); and

3) Baroness Cumberlege of Newick & Cumberlege v Secretary of State for Communities and Local Government and DLA Delivery Ltd [2017] EWHC 2057 (Admin)

that like cases should be determined in the same way unless there are good reasons not to.

29. The appellant has included lengthy extracts from a previous decision¹⁰ relating to the appeal site setting out the Inspector's reasoning in that instance, using it as justification at paragraph 2.7 of the Appeal Statement of Case for the schemes now before me. Whilst I have noted the content of the cited case law and the previous decision, what is now proposed is not directly comparable with the previous scheme. Nor do I have sufficient evidence before me to conclude whether or not the appellant's statement at paragraph 2.2 of the Appeal Statement of Case that the physical environment in which the appeal site is located has materially changed. Consequently, the weight that the previous appeal decision carries is limited and does not persuade me in respect of the current scheme's effect on character and appearance.

Conclusion

30. For the reasons set out, and having considered all other matters raised, whilst I find no harm with regard to pedestrian safety and public safety, the harm to character and appearance, including to the significance of Clapham High Street Conservation Area and the setting of the listed Bowyer House, and to amenity leads me to conclude that Appeal A and Appeal B should both be dismissed.

G Robbie

INSPECTOR

¹⁰ APP/N5660/W/17/3182586