

Appeal Decision

Site visit made on 10 August 2016

by G J Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 January 2017

Appeal Ref: APP/N5660/Z/16/3147778

6-12 Kennington Lane, Lambeth, London, SE11 4LT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Ben Porte (Insite Poster Properties) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/00313/ADV, dated 19 January 2016, was refused by notice dated 16 March 2016.
 - The advertisement proposed is the erection of a landscape advertisement hoarding to include a minimum interval time change between successive images down to 10 seconds.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations, and the additional conditions set out in the Annex to this letter.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The proposed advertisement would be raised above and facing the external storage yard area of a building and hardware materials shop. It would be sited adjacent and roughly perpendicular to Kennington Lane, with a brick and metal fence separating the road and yard. The rear of the advertisement would abut a three-storey detached building, which is currently used as a church, and which opens directly onto the road pavement.
 4. An advertisement sign already occupies the location of the appeal proposal, as approved by the Council (application ref: 15/02452/ADV) and recently installed. The proposed advertisement would use this existing sign and associated infrastructure, and as such, no further building work is proposed to take place. The proposed development is identical to this existing development in all respects except for the amount of time delay between the changing of static advertising images on the sign. Condition 4 of the extant approval allows a minimum time of 15 seconds between sequential advertisements; the appeal proposal is for a minimum time of 10 seconds.
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5. As such, given the similarity between what exists and what is proposed, I must consider whether would be any incremental harm that would result from the operation of a shorter timespan. In refusing the proposed development, the Council referred to its concerns about potential impacts on nearby neighbours in respect of light pollution. Although there is a mix of uses in the area immediately surrounding the site, residential development is of a generally high density, and as such, there are numerous dwellings where occupants have views of the sign. The closest properties are across the road from the site, set in from the road with direct views interrupted by deciduous trees.
6. Having seen the existing sign in operation during the hours of darkness, the momentary change between static images is clearly noticeable. There are also less distinct, but nonetheless perceptible, changes in the levels of brightness in reflected light in on objects in the surrounding area, within the area of light projection. This results in only minimal disturbance, which the effects mostly tempered by the high levels of existing light from streetlights and surrounding properties.
7. The main impact is therefore in direct views. At present, the 'flick' of the changing images, occurring every 15 seconds, draws a viewer's attention if seen directly or peripherally. Despite the relatively large surface area of the sign, from a distance, the effect is similar to that of a shop fascia sign, for example. In direct views of the sign, other moving illuminated elements are visible; when I visited, my attention was constantly drawn away from the lights of passing traffic using the busy road. As such, the disturbance resulting from the current image rotation is moderate. I am not convinced that a shortening of the time between different images would exacerbate this disturbance to a degree that would result in any significant harm to amenity, including that of local residents, beyond any which already exists.
8. The appellant has suggested a reduction in the level of illumination of the sign during the hours of darkness. In any case, I consider that this reduction in the brightness of the sign, when compared with the existing level, would mitigate any additional disturbance experienced by nearby occupants.
9. I have noted the submissions in respect of the proposed development's potential impact on users of the highway, and have no concerns in this regard. I therefore conclude that the proposed advertisement would not have a harmful impact on the amenity of the area. The Council has drawn my attention to *Lambeth Local Plan* (2015) Policy Q2, which it considers to be relevant to this appeal. I have taken this into account as a material consideration. Given my conclusion that the proposal would not harm amenity, the proposal does not conflict with this policy.

Conclusion and Conditions

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

11. In addition to the five standard conditions specified in the Regulations, I have attached additional conditions to the consent. These are identical to those set by the Council for the operation of the existing advertisement on the site, save for the interval between changes of images. Having considered them afresh, I consider them necessary in the interests of amenity and highway safety. I have also applied a reduction in the candela illumination of the advertisement, as suggested by the appellant, for similar reasons. The source cited by the appellant in this condition has been superseded by the source which I have cited.

G J Rollings

INSPECTOR

ANNEX – Additional conditions.

1. Notwithstanding the details of the application hereby approved, the proposed illuminated signs must not have any intermittent light source, moving or apparently moving feature, animation or exposed cold cathode tubing. They must not move, flash or change colour in any way and no special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements and no visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. The minimum time between successive displayed images shall be 10 seconds.
2. The approved illuminated advertisement, hereby approved, shall operate at an illumination level no greater than 300cd/m² during the day and 150cd/m² at night in accord with the limit set out in *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements* (2015) by the Institute of Lighting Professionals (or its equivalent in a replacement Guide).
3. The advertising panel must have a default mechanism to freeze an image in the event of a malfunction.