
Appeal Decision

Site visit made on 20 December 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/A5840/Z/16/3156700

4 Butterfly Walk (IFO Superdrug), Denmark Hill, London SE5 8RW

- 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 Andrew Jordan (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/1508, dated 15 April 2016, was refused by notice dated 29 June 2016.
 - The advertisements proposed are on a double sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the advertisements on amenity, with particular regard to whether they would preserve or enhance the character or appearance of the Camberwell Green Conservation Area (CGCA).

Reasons

4. The CGCA includes the open space of Camberwell Green together with buildings which generally follow the A202 (Camberwell new Road/Peckham Road) and the A215 (Denmark Hill/Camberwell Road) and includes a mixture of styles of buildings which are predominantly in commercial use.
 5. The Conservation Area boundary follows the rear of the pavement in the vicinity of the appeal site and excludes the more modern buildings in the Butterfly Walk complex between Barclays Bank and Orpheus Street. These buildings would be the backdrop to the new bus shelter and advertisements. Within the streetscene, advertisements mainly consist of signage on commercial premises, with very few freestanding signs within the highway.
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6. In the immediate vicinity of the appeal site is an existing bus shelter which along its rear elevation has transport information display panels. The existing shelter does not incorporate any advertisement panels.
7. The appeal concerns a freestanding 'Forum Structure' comprising a totem with two 84" digital advertisement screens positioned back to back. The advertisements would be capable of displaying illuminated, static and dynamic images. The structure would be placed to appear as a side panel to the new bus shelter.
8. Given that the advertisements would be orientated at 90 degrees to the buildings, they would stand out as being overly prominent in the streetscene and would reduce views along the pavement. Whilst the backdrop of the proposed advertisements is a modern building which does little to enhance the appearance of the CGCA, they would nevertheless add an unacceptable element of visual clutter to the streetscene.
9. Furthermore, a digital display must emit light to produce an image. The very nature of this type of illumination would give an uncharacteristically bright appearance, including during daylight hours when there is currently little discernible artificial lighting. This would give the advertisements a modern and incongruous appearance, and would be out of keeping with the overall character of the area and the appearance of the CGCA.
10. The appellant has stated that the level of illumination could be reduced in sensitive areas such as Conservation Areas. Whilst limiting the brightness of the advertisements could be controlled by a suitably worded condition I am not persuaded that the harm to the area would be sufficiently mitigated.
11. I have also had regard to the importance of the revenue from advertising for Transport for London, together with the ability to use the panel to display public transport information. However, these matters do not outweigh the amenity harm I have identified.
12. Policies 3.16, 3.18 and 3.23 of the Southwark Plan (2007) and Strategic Policy 12 of the Southwark Core Strategy, amongst other matters, seek to ensure that advertisements are designed to be an unobtrusive part of the character and appearance of the area and that they would conserve and protect historic places including Conservation Areas. These policies are material in this case.
13. For the above reasons, the proposed advertisements would be detrimental to the interests of amenity and would cause harm to the appearance of the CGCA. Consequently, the proposal would not accord with the above Development Plan policies nor paragraph 67 of the Framework.

Conclusions

14. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR