
Appeal Decision

Site visit made on 21 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/N5660/Z/16/3154996

Bus stop outside 441 to 447 Brixton Road, London SW9 8HE

- 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 Lambeth.
 - The application Ref 16/02371/ADV, dated 6 April 2016, was refused by notice dated 17 June 2016.
 - The advertisements proposed are on a single freestanding Forum Structure, featuring a double sided Digital 84" screen at one end of the bus shelter.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations and the National Planning Policy 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 Issues

3. The main issues are the effect of the advertisements on amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Brixton Conservation Area (BCA), and on public safety.

Reasons

Amenity

4. The appeal site is located towards the centre of the BCA which includes a mixture of styles and uses of buildings. This part of the BCA is dominated by commercial properties with Brixton Road being a wide highway with significant levels of vehicular and pedestrian traffic.
 5. The photographs submitted with the advertisement application showed a cantilevered bus shelter located close to the kerb with no side panels. However, as I noted from my site visit, this shelter has been replaced with a design similar to the one shown in the application details. This replacement shelter contained a double sided advertisement panel, although this was not illuminated nor was it displaying any advertisements. However, this new
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shelter was not positioned in the exact location of the shelter shown in the appeal proposal being further from the kerb line. Notwithstanding that, the bus shelter itself is not the subject of this appeal.

6. Along Brixton Road, within the BCA, I observed other bus shelters which had advertisement panels. These panels were generally located at 90 degrees to the road. With the exception of these, advertisements in the area are generally limited to those on the buildings fronting the highway. However, I am not aware of the circumstances of any of these advertisements or whether they benefit from advertisement consent.
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 a new bus shelter.
8. Given that the advertisements would be orientated at 90 degrees to the buildings, they would stand out as being prominent in the streetscene and would reduce views along the pavement. It would also add an unacceptable additional element of visual clutter to the streetscene regardless of the status of the other bus shelters advertisements within the BCA.
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. 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 BCA.
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. Policies Q6, Q17, and Q22 of the Lambeth Local Plan 2015 (LLP), amongst other matters, seek to sustain and reinforce local distinctiveness by ensuring that advertisements do not add unacceptable visual clutter or diminish the setting or significance of heritage assets such as Conservation Areas. These policies are material in this case.
12. For the above reasons, the proposed advertisements would be detrimental to the interests of amenity and would cause harm to the appearance of the CHSCA. Consequently, the proposal would not accord with Policies Q6, Q17, and Q22 of the LLP nor paragraph 67 of the National Planning Policy Framework.

Public safety

13. The appeal advertisements would be located on a busy section of pavement on Brixton Road close to its junction with Electric Avenue. It would also be close to the entrance to Brixton underground station.
14. From the Council's decision notice and their officer's report, their public safety concern relates to the shelter itself, and not the advertisement. However, as I have already noted, the bus shelter itself is not the subject of this appeal.

15. Notwithstanding that, the advertisement structure would appear as part of the bus shelter despite it being freestanding. Given that it would be sited at 90 degrees to the road it would give rise to some obstruction to pedestrians on the footway.
16. However, the proposed advertisement structure would be located closer to the kerb line than the existing shelter at approximately 0.6 metres away from the carriageway. Therefore, the proposal would provide for a small improvement to public safety over the current situation.
17. Policies T2 and T6 of the LLP, amongst other matters, seek to improve walking conditions for pedestrians. Given my conclusions above, I consider that the proposal accords with the aims and objectives of these policies.

Other matters

18. 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 information. However, these matters do not outweigh the harm I have identified above.

Conclusions

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

Chris Forrett

INSPECTOR