
Appeal Decision

Site visit made on 23 January 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 06 February 2017

Appeal Ref: APP/E5330/Z/16/3156598

Outside The Gate Clock, Creek Road, Greenwich, London SE10 9RB

- 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 of JCDecaux UK Ltd against the decision of Royal Borough of Greenwich Council.
 - The application Ref 16/1460/A, dated 14 September 2015, was refused by notice dated 4 July 2016.
 - The advertisement proposed is a double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issues

3. The main issues are the effect of the advertisement on:
 - (i) the amenity of the area, having particular regard to the location of the appeal site within both the West Greenwich Conservation Area (the CA) and the buffer zone of the Maritime Greenwich World Heritage Site (the WHSBZ); and
 - (ii) public safety.

Reasons

Amenity

4. National planning policy seeks to secure high quality design and advises that poorly placed advertisements can have a negative impact on the appearance of the built environment². In addition to the specific advice relating to advertisements, the Framework also sets out Government policy in relation to

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² National Planning Policy Framework paragraph 17, 4th bullet point and paragraph 67

the historic environment. Paragraph 126 states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.

5. As such, given the location within the CA, I am obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA³. The significance of the CA relates directly to the quality of the townscape and the diversity in terms of architecture. In addition, due to the topography of Greenwich, incomparable views across the town centre towards the Thames and the centre of London are afforded.
6. The Maritime Greenwich World Heritage Site (WHS) was inscribed due to the international significance of its architecture and also for its history of royal patronage, artistic and scientific endeavour. The appeal site is located outside of the WHS, however it is within the WHSBZ. Buffer zones are areas surrounding World Heritage Sites which have complementary legal and/or customary restrictions placed on their use and development in order to give an added layer of protection to the World Heritage Site.
7. As observed during my site visit the only other illuminations within the immediate vicinity of the appeal site is from that of street lighting and The Gate Clock signage, which is both modest in scale and degree of illumination. In addition, given the design of the existing bus shelter I do not consider it currently represents as dominant feature in the street scene.
8. Given that the proposal would be orientated at 90 degrees to the pavement, I consider it would stand out as being overly prominent and would also reduce views along the pavement. Whilst the adjacent building is of a modern design, which does little to enhance the appearance of the CA, the proposal would nevertheless add an unacceptable element of visual clutter to the street scene.
9. Furthermore, a digital display must emit light to produce an image. I acknowledge that the proposed lighting levels fall within the limits as set by the Institute of Lighting Professionals. However, the very nature of this type of illumination would give an uncharacteristically bright appearance when there is currently little discernible artificial lighting. Despite being located within an urban setting and forming part of a modern bus shelter design, I find that the proposal would add a discordant feature to the street scene. Accordingly I consider that the proposal would cause harm to the character and appearance of the CA due to its location and method of illumination.
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. When taken together Policies 7.4, 7.6, 7.8 and 7.10 of The London Plan 2015 (TLP), Policies DH1, DH3, DH4, DH(f) and DH(h) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (the CS) and guidance contained within the West Greenwich Conservation Area Appraisal 2013, the Design Guidance Note: Shop Signs, Advertisements and Illumination in Greenwich Town Centre 2003 and the Maritime Greenwich World Heritage Site Management Plan 2013 seek, amongst other matters, to ensure that

³ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

advertisements are designed to be an unobtrusive part of the character and appearance of the area and that they would conserve and protect designated heritage assets such as Conservation Areas and World Heritage Sites. I consider that these policies and guidance are material in this case.

12. For the above reasons, the addition of the proposal would be detrimental in the interests of amenity and would fail to preserve the character and appearance of the CA and the historic and sensitive setting of the WHSBZ. Consequently, the proposal would not accord with the relevant development plan policies and guidance referred to above or paragraph 67 of the Framework.

Public safety

13. The appeal site is located on a relatively straight stretch of Creek Road, on the pavement close to the entrance to The Gate Clock public house and restaurant. The existing bus shelter is of a back-to-kerb glass and stainless steel construction and incorporates a non-illuminated advertisement panel on its rear elevation. The open sides of the existing bus shelter, and its alignment, maximises the useable pavement between the shelter and the railings which enclose the outdoor seating area of The Gate Clock.
14. Creek Road is a heavily used classified road. In addition to the level of traffic, given the location of the Dockland Light Rail station, the proximity of residential dwellings and the number of commercial/retail units the appeal site is also situated on a very busy section of pavement.
15. The proposed illumination would result in increased visibility of the advertisements, including during the hours of darkness. Whilst I accept that the area would require a high level of concentration by road users, I consider that the majority of users of the highway are well used to seeing illuminated adverts and generally adjust their behaviour to ensure they are operating in a safe manner. Accordingly, I therefore do not find that the illumination would be unduly distracting to users of the highway.
16. Given the location, the proposal would be visible from both the pavement and the road. Moving images and a frequent change of adverts do have the potential to appear as a distraction to users of the highway. In addition, given that the proposal would be seen when approaching a traffic light controlled junction at the end of Creek Road and Greenwich Church Street, I consider it vital that undue distraction does not occur. As such, if I were to allow the appeal I consider it would be reasonable and necessary to impose conditions limiting the frequency of the change of imagery and to prevent any moving images, including any effects that may accompany a change between successive advertisements.
17. Notwithstanding the above, the width of the pavement in this location is approximately 2.4 metres and the installation of the proposed structure would leave a useable pavement width of approximately 1.1 metres.
18. As a result I consider that the dimensions and location of the proposed structure would significantly reduce the usable width of the pavement, and would create a pinch point between it and the railings of the outdoor seating area of The Gate Clock. As such I find that the reduction in width, where a high level of footfall already exists, would considerably impede the free flow of pedestrians.

19. This would result in congestion on the pavement and inconvenience to users, particularly those with pushchairs and users of wheelchairs and mobility scooters. I consider such congestion would significantly increase the likelihood of collision between pavement users and may therefore encourage pedestrians to circumvent the structure by entering the road, which would be to the detriment of public safety.
20. As far as such factors are material, the proposal is therefore contrary to Policy 6.3 of TLP, Policies TC4, DH1, DH(f) and IM(b) of the CS and guidance contained within the Planning Practice Guidance on Advertisements 2014 , which when taken together seek, amongst other things, to resist development which compromises pedestrian safety.

Other Matters

21. I have 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 harm I have identified.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal would be detrimental in the interests of amenity and public safety. I therefore dismiss the appeal.

Helen Cassini

INSPECTOR