
Appeal Decision

Site visit made on 1 February 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/N5660/Z/16/3163969

174 Norwood Road, Tulse Hill, London SE27 9AZ

- 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 Insite Poster Properties Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/04095/ADV, dated 7 July 2016, was refused by notice dated 30 September 2016.
 - The advertisement proposed is the replacement of an existing single sided internally illuminated backlit 48 sheet advertising unit with a single new internally illuminated digital LED 48 sheet advertising unit.
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Decision

1. The appeal is allowed and express consent for the display of the advertisement as applied for is granted. 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 following additional conditions:
 1. The approved advertisement shall operate at an illumination level no greater than 250 cd/sq m during the day and 150 cd/sq m at night.
 2. The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing scrolling, three dimensional, intermediate or video elements) of any kind before, during or after the display of any advertisement.
 3. The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 4. The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.

Procedural Matter

2. The Regulations and the National Planning Policy Framework make it clear that advertisements should be the subject of control only in the interests of amenity and public safety. Whilst the Council has referred to the policies which it
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considers relevant to this appeal they cannot, by themselves, be decisive but are material considerations to the determination of this appeal.

Main Issue

3. It is considered that the main issue is the effect of the proposed advertisement on the amenity of the neighborhood of the appeal site.

Reasons

4. There is an existing 48 sheet illuminated static hoarding sign erected on the side elevation of a 3-storey building facing towards a traffic light controlled junction forming part of a gyratory road system. The host property is situated at a location which is characterised by commercial uses, particularly at ground floor level. There are a range of mainly fascia and projecting box signs associated with these commercial premises. There are hoarding advertisements both under and to the south of a railway bridge which can be viewed approaching the junction and commercial area from the south.
5. The existing sign does not have the benefit of consent but the Council has not sought to commence discontinuance action against its ongoing display which, according to the appellant, commenced some 60-years ago. By reason of size and elevation above the road, the sign can be seen when travelling northwards along Norwood Road. The sign is typical of the location of similar advertisement hoardings on the side elevations of properties at road junctions within urban and commercial areas.
6. The appeal scheme replaces the existing sign and would be viewed against the context of the side elevation of the property. The proposed advertisement would have a similar overall size and height from the ground as the current sign but would possess LED illumination which would allow for the images to change rather than be static. Although not increasing the level of illumination compared to the current sign, the LED display would have a different appearance during the daylight hours because there is a need for a digital display to emit light to produce an image.
7. In addition to the principle of replacing a legacy sign, the Council is concerned that the appeal scheme is of such a poor quality design that it could result in a material change which would be detrimental to the visual amenity of the streetscene when compared to the current situation. However, the appellant has proposed a condition which would reduce the level of illumination during the daytime from 300 to 250 cd/sq m and this would be in addition to the stated candela level at night-time. Conditions are also suggested by the appellant concerning how the images are displayed and for what duration, including without special effects.
8. When the suggested reduction in the level of illumination and other controls over the changes of any image are considered together with the characteristics of the existing sign; the siting of the proposed advertisement on the side elevation of a building adjacent to a busy junction; and the location of the site within an urban and commercial area this is a case where no unacceptable harm would be caused to visual amenity. There would not be an unacceptable change between the design and appearance of the existing and proposed advertisements to justify this appeal failing. The proposed advertisement would have a neutral effect on the streetscene and would not be an incongruous feature. There would be no unacceptable increase in the clutter of

advertisements within the area around the site. For the reasons given, it is concluded that the proposed advertisement would not adversely harm the amenity of the neighborhood of the appeal site.

9. I have taken into account Policies Q5, Q6 and Q17 of the Lambeth Local Plan (LP) which, amongst other matters, seek to sustain and reinforce local distinctiveness by ensuring that advertisements are well integrated with their context and contribute positively to the local streetscene. I have also had regard to LP Policy Q17 which seeks to resist, rather than prevent, the renewal of consent for existing large panel advertisements. Given that I have concluded that the proposal would not adversely harm the amenity of the neighbourhood of the site, the appeal scheme does not conflict with these policies.

Other Matters

10. Highway safety concerns have been raised by the Norwood Action Group. However, no specific objection has been raised on public safety grounds by either Transport for London or the Council and there are no reasons for me to disagree with their assessments.

Conditions

11. In addition to the 5 standard conditions specified by the Regulations, 3 of the conditions suggested by the appellant are, for the reasons already given, necessary. Namely controls over the level of illumination and both the frequency and speed of the change of the image. In addition, the appellant's suggested default condition in the event of malfunction of the proposed display panel is also necessary for reasons of both amenity and public safety. However, I have amended the suggested conditions for reasons of precision. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR