
Appeal Decision

Site visit made on 22 February 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2017

Appeal Ref: APP/A5840/Z/16/3162658

Telephone Kiosk 0171 733 3258 Outside 74 Denmark Hill, LONDON SE5 8RZ

- 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 Mrs Elaine Owen (New World Payphones) against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/2925, dated 15 July 2016, was refused by notice dated 12 September 2016.
 - The advertisement proposed is described as "Internally illuminated digital panel as integral part of telephone kiosk".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed advertisement on amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Camberwell Green Conservation Area (CA).

Procedural Matters

3. 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.

Reasons

4. The appeal site houses a telephone kiosk on the pavement near to commercial premises.
5. The appeal site is characterised by a prevalence of traditional terraced shops constructed of stone and brick, albeit interspersed with some more modern buildings. Illuminated advertisements are largely confined to shop fronts. Notwithstanding that there are many examples of modern shop facades that do not contribute positively to the CA, the largely original upper floors of the historic buildings – some of which are key unlisted buildings – remain clearly

visible in long views of the street. These factors combine to give this part of the CA a traditional character and appearance.

6. The appeal concerns the display of a 75 inch internally illuminated digital panel approximately 1.65 metres high by 0.92 metres wide, which would be affixed to one side of a replacement telephone kiosk of a more contemporary design.
7. The nature of a digital display is that it must emit light to produce an image, rather than a flat image which passively reflects natural or artificial light. This form of illumination would give the proposed advertisement an uncharacteristically bright and modern appearance during both the day and night, where there is currently little discernible artificial lighting at the existing kiosk location.
8. I note the advertisement would be controlled by light sensor to monitor ambient light and in darkness the illumination would be restricted to a maximum of 280cd/m². Nonetheless, the illuminated advertisement would necessarily be brighter than the unilluminated advertisement presently at the kiosk location – particularly during the day. It is this introduction of illumination where there is currently none that is at odds with the traditional character of the CA.
9. As a result, I find that the size, design and illumination of the proposed advertisement would fail to preserve or enhance the traditional character and appearance of the CA, and thus would be detrimental to the interests of visual amenity.
10. As far as such factors are material, the advertisement is therefore contrary to saved policies 3.16 and 3.18 of the Southwark Plan (2007), which seek to ensure developments preserve or enhance the character or appearance of conservation areas; policy 3.23 which seeks outdoor advertisements are designed (including size, type and any illumination) to be appropriate within the context of the site and to be an integral and unobtrusive part of the character and appearance of the site and surrounding area; and Strategic Policy 12 of the Core Strategy 2011, which expects development to preserve or enhance Southwark's historic environment, including conservation areas.
11. This finding of harm must carry considerable importance and weight. I am satisfied that the harm caused by the advertisement to the heritage asset would be less than substantial due to its small scale, but nevertheless permission should only be granted if public benefits would outweigh the harm.
12. The appellant suggests that the advertisement would form an integral part of a new telephone kiosk which would have an enhanced aesthetic and improved accessibility. However, whilst a public call box may be permitted development, the developer would first need to apply to the Council for a determination as to whether the prior approval of the authority would be required as to the siting and appearance of the structure. I have no evidence before me that prior approval has been sought or granted, and in any event the appeal relates only to advertisement consent. Thus I give the benefit of the replacement structure only very limited weight. Consequently the benefit does not outweigh the harm in relation to the main issue in this appeal.

Conclusion

13. For the reasons given above, having had regard to all other matters raised, I conclude that the advertisement is detrimental to the interests of visual amenity. I therefore dismiss the appeal.

Oliver Blower

Appointed Person