
Appeal Decisions

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 A: APP/A5840/Z/16/3163146

Telephone Kiosk 017127790819087, 52 Peckham High Street, London SE15 5DP

- 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/2969, dated 19 July 2016, was refused by notice dated 19 September 2016.
- The advertisement proposed is described as "Internally illuminated digital panel as integral part of telephone kiosk".

Appeal B: APP/A5840/Z/16/3162967

Telephone Kiosk 01712528061, 30 Rye Lane, London SE15 5BS

- 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/2962, dated 19 July 2016, was refused by notice dated 15 September 2016.
- The advertisement proposed is described as "Internally illuminated digital panel as integral part of telephone kiosk".

Appeal C: APP/A5840/Z/16/3162789

Red Telephone kiosk near bus stops, Hanover Park, London SE15 5EX

- 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/2966, dated 19 July 2016, was refused by notice dated 14 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 appeals are dismissed.

Main Issue

2. The main issue in each of these appeals is the effect of the proposed advertisements on visual amenity, with particular regard to whether they would preserve or enhance the character or appearance of the Rye Lane Peckham 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.
4. Although each appeal relates to a different site, the proposed advertisement displays are the same, and each is located in the CA. Given the similarity of the appeals, I consider it expedient and proportionate to deal with them together in a single decision letter. Each proposal has been assessed on its own merits.

Reasons

5. The immediate area of each appeal site is comparable, with all sites housing a telephone kiosk on the pavement near to commercial premises. None of the kiosks display illuminated advertisements at present.
6. In the immediate environs of each of the appeal sites there is 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, with the exception of a small number of internally illuminated advertisements on bus shelters. There are several buildings of note nearby, such as the HSBC bank building on the corner of Hanover Park and Rye Lane, near to appeals B and C, and the listed 58 Peckham High Street close to appeal A. The aesthetic of these buildings serve to reinforce the traditional character and appearance of these parts of the CA.
7. Each 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.
8. 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 advertisements an uncharacteristically bright and modern appearance during both the day and night, where there is currently little discernible artificial lighting at these kiosk locations.
9. I note the advertisements 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 advertisements would necessarily be brighter than the unilluminated advertisements presently at these kiosk locations – 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.
10. There are some internally illuminated 6 sheet advertisements – marginally larger than those proposed – on bus shelters close to appeal C. However, I have not been provided with the planning history of these adverts, some of which may predate the designation of the CA. In any event, the aggregate effect of an illuminated advertisement in the location of this kiosk – where there

is currently none - viewed in conjunction with the atypical illuminated adverts on nearby bus shelters, would only serve to increase the harm identified above.

11. As a result, I find that the size, design and illumination of the proposed advertisements 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.
12. As far as such factors are material, the advertisements are therefore contrary to saved policies 3.16 and 3.18 of the Southwark Plan (2007), which seeks 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.
13. This finding of harm must carry considerable importance and weight. I am satisfied that the harm caused by the advertisements to the heritage asset would be less than substantial due to the small scale of the advertisements, but nevertheless permission should only be granted if public benefits would outweigh the harm.
14. The appellant suggests that the advertisements would form an integral part of new telephone kiosks 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 appeals deal only with advertisement consent. Thus I give the benefit of the replacement structures only very limited weight. Consequently the benefit does not outweigh the harm in relation to the main issue in these appeals.

Conclusion

15. For the reasons given above, having had regard to all other matters raised, I conclude that the proposed advertisements are detrimental to the interests of visual amenity. I therefore dismiss the appeals.

Oliver Blower

Appointed Person