
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: 21 March 2017

Appeal Ref: APP/A5840/Z/16/3162968

**Telephone kiosk opposite entrance to London Bridge Underground Station,
21 Duke Street Hill, LONDON SE1 2SW**

- 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/2980, 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".
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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 visual amenity, with particular regard to its effects on the character and appearance of the area.

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 is located on the pavement in front of Colechurch House on the North side of Duke Street Hill, directly adjacent to the Tooley Street Conservation Area (CA). The CA encompasses Duke Street Hill and the entrance to London Bridge rail and underground stations to the south, expanding eastwards towards the Cast iron bridge over the north end of London Bridge Station (Grade II listed); Denmark House, No. 15 Tooley Street (Grade II listed); London Bridge Hospital, no. 17-25 Tooley Street (Grade II listed) and Nos. 29, 31 and 33 Tooley Street (Grade II listed), amongst other listed buildings.

5. Although the appeal site is not in the CA, the CA and its listed buildings form part of the character of the immediate area, and by extension that of the appeal site. The appeal site, therefore, is characterised by a prevalence of traditional buildings and structures constructed of stone and brick, such as the brick viaduct and the listed Denmark House, albeit interspersed with some more modern buildings such as Colechurch House. Illuminated advertisements are primarily confined to the fronts of commercial premises, notwithstanding the adjacent bus shelter. The largely traditional facades of the historic structures are clearly visible when exiting the station and in long views of Duke Street Hill. These factors combine to give the immediate area a traditional character and appearance.
6. The appeal site houses a black telephone kiosk of similar design to that of the traditional K6, albeit a modern reproduction. The existing kiosk has no advertisements displayed on its outer surfaces. Adjacent to the telephone box is a bus shelter with a side panel oriented at 90 degrees to the pavement with advertisements on either side.
7. 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 and face south towards the station entrance.
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 advertisement an uncharacteristically bright and modern appearance during the day, where there is currently no discernible artificial lighting emanating from the kiosk. The advertisement would therefore appear as an incongruous and obtrusive feature that would detract from its largely traditional surroundings.
9. 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, there is currently no illuminated advertisement on this kiosk. Moreover, given the dark enclosed surroundings caused by the proximity and height of the pedestrian bridge, viaduct and Colechurch House, the levels of illumination (although limited by sensor) would be pronounced. It is the introduction of a bright and modern method of illumination where there is currently none that is at odds with, and detracts from, the traditional character of the area.
10. The adjacent bus shelter displays internally illuminated advertisements; however these are unilluminated during the day, such that they are not directly comparable to the appeal proposal.
11. I note permission was granted by the Council on 24 November 2015 (Ref 15/AP/3713) for the display of one 84 inch digital screen advertisement and one static poster advertisement to the side panel of a replacement bus shelter. I have not been provided with the reasoning behind that decision, however, in the case of the replacement bus shelter the digital display would replace an existing internally illuminated advertisement, oriented at a right angle to the pavement and face into the bus shelter – which would offer some screening. Thus the consented display is not directly comparable to the appeal proposal.

12. In any event, an illuminated advertisement in the location of the kiosk - where there is currently none - viewed in conjunction with the adjacent illuminated adverts on the replacement bus shelter, would cumulatively increase the harm identified above.
13. As a result, I find that the size and illumination of the proposed advertisement would cause unacceptable harm to the character and appearance of the area and thus would be detrimental to the interests of visual amenity.
14. As far as such factors are material, the advertisement is therefore contrary to saved policy 3.23 of the Southwark Plan (2007), which seeks that 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.
15. The appellant suggests that the advertisement would form an integral part of a new telephone kiosk which would have 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

16. 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