
Appeal Decision

Site visit made on 2 May 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/C5690/Z/17/3172069

Unit 8, Sherwood Court, Thurston Road, Ladywell, London SE13 7SD

- 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 Butterfield Signs against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/099744, dated 12 January 2017, was refused by notice dated 1 March 2017.
 - The advertisement proposed is consent to display advertisement.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the following additional condition:
 - 1) The maximum luminance of the sign shall not exceed 600cd/m².

Procedural Matters

2. The appellant has confirmed that the levels of luminance of the sign referred to in the application for advertisement consent considered by the Council was wrong. Instead the level would be restricted to 600cd/m². I have determined the appeal on that basis.

Main Issue

3. The Regulations, the National Planning Policy Framework (the Framework) and advice within Planning Practice Guidance require that decisions on advertisements be made only in the interest of amenity and public safety. Within its reason for refusal, the Council raised concerns only in terms of amenity. Accordingly, the main issue in this appeal is therefore the effect of the advertisement on the visual amenity of the surrounding area.

Reasons

4. The appeal site is within the defined limits of Lewisham Town Centre. It is on the corner of Loampit Vale and Jerrard Street within an area of public realm to the front of a redevelopment providing a mix of mainly commercial floorspace at ground floor and residential units above.
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5. The surrounding area has a mix of uses including commercial and as a result advertising is not uncommon in the area with a number of signs close to the appeal site. I note that some of the signs in the area have illumination. Furthermore, most can be clearly seen from the road. There is also a large totem sign to the north west of the appeal site in association with a roadside petrol filling station, together with one to the south east of the site advertising the adjacent retail park. Although I have no knowledge of the planning status of the nearby signage, they reinforce my view as to the mixed character of the surroundings.
6. The sign would be in front of a 10+ storey building. As a result, although the proposed totem sign would be forward of the building, it would nevertheless be seen against the backdrop of the high development. In addition the set back of the sign from the road and behind the building line of properties to the east would restrict its visibility from both the east and west and therefore its prominence in the street. The presence of the railway bridge west of the appeal site would further restrict long views of the sign.
7. The sign would be located within one of the planters within the area of public realm at the front of the building, similar to the one to the south east of the site. The slim nature of the signage means that there would still be room for planting. In addition the sign would be in scale with the adjacent building. I do not consider therefore that the proposal would be materially harmful to the public realm.
8. The appellant has confirmed that the level of illumination would be 600cd/m² which would be in accordance with advice in the Institute of Lighting Professionals Guide PL05 "The Brightness of Illuminated Advertisements". The sign would be visible from surrounding residential properties. The illumination of the proposal would result in it retaining a degree of prominence after dark, particularly during the winter months. However, that illumination would not be an alien feature in an area that is currently well lit by street lighting. Furthermore, the orientation of the sign means that residential properties would only be subject to oblique views.
9. Accordingly, I find that these factors would minimise the attention that the illumination would bring to the signage after dark. As such, whilst I have taken the proximity of the nearest residential dwellings into consideration, I do not consider any substantive evidence has been provided to justify the Council's concern in relation to residents' visual amenity.
10. I accept that the overall advertisement display that would be provided by the totem sign, due to its height, the area of signage involved and illumination, is relatively substantial. However, the totem is set back from the edge of the highway, with a back drop of large buildings within a mixed commercial and residential environment. As put forward by the appellant, it provides some identification to provide direction to commercial properties within Thurston Point accessed from Jerrard Street. As a result, in my view, the sign would not appear unduly prominent or visually dominant, and would not appear out of place in the context of the site or wider setting.
11. The Council has drawn my attention to Policy 7.4 of the London Plan The Spatial Development Strategy for Land Consolidated with Alterations since 2011 (2016), Policy 15 of the Lewisham Local Development Framework Core Strategy Development Plan Document 2011 and Policies 30 and 35 of the

Lewisham Local Development Framework Development Management Local Plan 2014. I have concluded that the proposed sign would not harm visual amenity and therefore the proposal does not conflict with these policies. Although I have taken these policies into account as a material factor it has not been decisive as the powers under the Regulations to control advertisements can only be exercised in the interests of amenity and public safety.

12. The Council in its application report consider that the position, size and illuminance levels of the signage are detrimental to highway and public safety. They have though provided no evidence in this respect. Furthermore, I have seen no objections from the Highway Authority. Moreover, the effect on highway safety was not included as a reason for refusal by the Council.
13. Given the set back of the sign from the road side, in an area where other signs are prevalent then I saw nothing on site that would suggest that the proposal would be harmful to highway or public safety.

Conclusion

14. For the reasons given above, I conclude that the proposed advertisement would not be detrimental to visual amenity. I shall therefore allow the appeal, subject to the five standard conditions set out in the Regulations together with an additional condition limiting the illumination of the sign in the interests of certainty.

Zoe Raygen

INSPECTOR