
Appeal Decision

Site visit made on 25 April 2017

by O. Blower MA (T&CP)

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

Decision date: 24 May 2017

Appeal Ref: APP/C5690/Z/17/3171004

137 Lewisham High Street, Hither Green, London SE13 6AA

- 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 Mr Matthew Coe (New World Payphones) against the decision of the London Borough of Lewisham.
 - The application Ref DC/16/098579, dated 3 October 2016, was refused by notice dated 11 January 2017.
 - The advertisement proposed is described as "Internally illuminated digital panel as integral part of telephone kiosk".
-

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 Regulations and the following additional conditions:-
 - 1) The digital advertisement panel hereby granted consent shall display static images only and the images shall be changed no more frequently than once every ten seconds through a smooth fade. No moving images or special effects shall be shown.
 - 2) The intensity of the luminance of the advertisement displayed shall be no greater than 280Cdm² between sunset and sunrise.

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.
4. The council's second reason for refusal notes that the replacement telephone kiosk – which the advertisement would be affixed – does not benefit from

deemed consent under section 222 of the Town and Country Planning Act (1990) (as amended). The Appellant does not dispute this and indicates that the telephone kiosk would be provided for by way of different legislation. For the avoidance of doubt this appeal is concerned with advertisement consent only.

Reasons

5. The appeal site is situated on the pavement broadly in the location of two existing back-to-back telephone kiosks. This part of Lewisham High Street is a busy commercial area lined with modern shops of little architectural interest. There are several examples of illuminated advertisements nearby, on bus shelters and on free-standing structures. On the whole the immediate area is modern and commercial in 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 single telephone kiosk and would replace the two existing kiosks.
7. 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.
8. The nature of a digital display is that it must emit light to produce an image, thus the advertisement would introduce illumination to a location where there is currently none during the day. The advertisement would display sequential static images no more frequently than every 10 seconds with a smooth fade between advertisements, which would nonetheless somewhat draw the eye.
9. These features would give the advertisement a bright, dynamic and modern appearance. Such an appearance, however, would be broadly in keeping with the busy, modern, commercial character of the immediate area.
10. The size of the proposed advertisement would be broadly similar to a standard 6 sheet display, such as those affixed to the side panels of bus shelters nearby, so that in this context it would not appear excessively large.
11. The advertisement, therefore, would not be so intrusive as to significantly increase the sense of visual clutter or detract from the visual networks given the nature of existing advertisements on the street and its commercial surroundings.
12. Consequently, the advertisement would not cause unacceptable harm to the character or appearance of the immediate area and, thus, would not be detrimental to the interests of visual amenity.
13. As far as such factors are material, the advertisement is therefore broadly in accordance with policy 35 of the Development Management Local Plan, which seeks to ensure that street furniture and signage harmonise with the street scene.
14. The Council has not suggested any conditions to add to the five standard conditions which are set out in the Regulations. In the interests of visual amenity, however, conditions are necessary to prevent the use of moving

images, to restrict the frequency of changing images, and to limit the intensity of illumination between sunset and sunrise, in the interest of visual amenity. The conditions reflect the description of the advertisement given in the appellant's evidence. I am content that neither party has been prejudiced by the imposition of these conditions.

Conclusion

15. For the reasons given above, having had regard to all other matters raised, I conclude that the advertisement would not be detrimental to the interests of visual amenity. I therefore allow the appeal.

O. Blower

Appointed Person