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# 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**

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**Appeal Ref: APP/C5690/Z/17/3170989**  
**40 Rushey Green, London SE6 4JD**

- 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/16/098562, dated 30 September 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".
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are the effect of the proposed advertisement on 1) visual amenity, with particular regard to its effects on the character and appearance of the area and, 2) public safety, with particular regard to highway safety.

## 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

### *Visual Amenity*

4. The appeal site is situated on a wide pavement broadly in the location of an existing telephone kiosk which displays an unilluminated advertisement on its outer surface. Mature trees line the boulevard with traditional brick and render houses to the east and traditional terraced shops further north. The appeal site is located broadly behind an existing bus shelter with internally illuminated advertisements, although illuminated advertisements are predominately confined to the fronts of commercial premises further to the north and south. The generous width of the pavement and street, combined with the mature

trees lining the road and a prevalence of traditional buildings, give the immediate area a predominantly pleasant, traditional verdant and open character and appearance.

5. 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 broadly south towards oncoming traffic. It would display sequential images no more frequently than every 10 seconds with a smooth fade between advertisements.
6. 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/m<sup>2</sup>. This is below the maximum level recommended by the Institute of Lighting Professionals.
7. The nature of a digital display, however, is that it must emit light to produce an image, rather than a flat image which passively reflects natural or artificial light. Indeed, more light would be emitted by the advertisement during the day than at night to compete with natural light.
8. The advertisement would introduce illumination to a location where there is currently none during the day, and little at night other than the modest internal light of the existing kiosk. The advertisement would therefore appear uncharacteristically bright and modern, at odds with the traditional verdant character of the area. The proposed sequential change of images, albeit at limited intervals, would further draw the eye and take away from its surroundings.
9. As a result the advertisement, due to its location, method and area of illumination, would appear bright and obtrusive, detracting from the open verdant character of the immediate area, to the detriment of visual amenity.
10. The appellant refers to the internally illuminated 6 sheet advertisements on the nearby bus shelter, which are marginally larger than that proposed. I have not, however, been provided with the planning history of these advertisements. In any case these internally illuminated adverts are atypical, where adverts are primarily confined to shop fronts, and they do not emit light during the day, thus they are not directly comparable to the proposal.
11. Moreover, an illuminated advertisement in the broad location of the existing kiosk - where there is currently none - viewed in conjunction with the illuminated advertisements of the bus shelter at night, would cumulatively increase the harm identified above.
12. The appellant suggests that the advertisement would form an integral part of a new telephone kiosk which would have improved accessibility and provide high quality communication infrastructure. 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. I therefore give the benefit of the replacement structure only very limited weight, which does not outweigh the harm in relation to the main issue in this appeal.

### *Public Safety*

13. The proposed advertisement would face southwards so that it would be predominantly viewed by drivers of vehicles travelling north. It would be set back from the pavement and appear at broadly the same distance as the existing illuminated advertisement to the nearby bus shelter when viewed from the south.
14. In my view the advertisement would be located a sufficient distance from the junction of Bradgate Road and the pedestrian crossing, so that its illumination and changing images would not unduly distract drivers approaching these hazards. The advertisement would only come into full view to north bound traffic once the junction and crossing have been passed, by which time the road is clear of further hazards until Hawstead road, a safe distance away.
15. Consequently the advertisement would not unacceptably harm highway safety and, thus, would not be detrimental to public safety.
16. Notwithstanding that the advertisement would be acceptable in public safety terms, it would nonetheless unacceptably harm visual amenity.

### **Conclusion**

17. Accordingly, 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.

*O. Blower*

Appointed Person