
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/17/3171013

Telephone Kiosk 0181 694 6851 Outside 258 Evelyn Street, London SE8 5BZ

- 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/16/098581, 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".
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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 situated on a wide pavement broadly in the location of an existing telephone kiosk which has no advertisements displayed on its outer surfaces. On either side of the tree lined street are modern three-storey terraced shops, forming a local centre with wide pavements and a public square to the north. Illuminated advertisements are largely confined to the fronts of shops, with the exception of a small number of internally illuminated advertisements on nearby bus shelters and a free standing 6-sheet display to the north of the site. The generous width of the pavement and size of the square opposite, combined with the mature trees lining the road, provide for a pleasant verdant and open character to this quiet commercial area.

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-east 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/m². 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 at this precise location. The advertisement would therefore appear uncharacteristically bright and incongruous, particularly in its shaded location near to the tree canopy. 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 large area illumination, would appear bright and obtrusive, detracting from the open verdant character of the immediate area, to the detriment of visual amenity.
10. As far as such factors are material, the advertisement is therefore contrary to Policy 35 of the Development Management Local Plan, which seeks to ensure that street furniture and signage harmonise with the street scene.
11. The appellant refers to the internally illuminated 6 sheet advertisements nearby, which are marginally larger than that proposed. I have not, however, been provided with the planning history of these advertisements. In any event, 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.
12. In any event, an illuminated advertisement in the broad location of the existing kiosk - where there is currently none - viewed in conjunction with the illuminated advertisements outlined above, in particular in long views when facing north-west, would cumulatively increase the harm identified above.
13. 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.

Conclusion

14. 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