
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/17/3170998

Telephone Kiosk Outside 70 Lewisham High Street, Hither Green, LONDON SE13 5JH

- 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/16/098563, 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 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 narrow pavement broadly in the location of an existing telephone kiosk which has non-illuminated advertisements displayed on two of its sides. Directly to the east is Lewisham clock tower, a Grade II listed ornately detailed stone built clock tower. The immediate area is characterised by a prevalence of traditional terraced shops constructed of stone and brick, albeit interspersed with some more modern buildings. Illuminated advertisements are largely confined to the front of shops, although there are some examples of internally illuminated advertisements to bus shelters nearby and a free-standing internally illuminated totem structure immediately to the south of the existing kiosk. Although many shop fronts are modern in

appearance, the largely original upper floors of the historic buildings remain clearly visible and form a pleasant backdrop to the distinctive clock tower. These factors combine to give this immediate area a broadly traditional character and appearance which provides welcome respite from the otherwise busy commercial nature of the shopping district.

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. 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. The advertisement would appear bright and modern, taking away from the traditional character of the immediate area. The proposed sequential change of images, albeit at limited intervals, would further draw the eye and detract from the surroundings.
9. As a result the advertisement, due to its location, method and large area of illumination, would appear bright and obtrusive, severely diminishing from the traditional 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. Although there are internally illuminated advertisements nearby, which are marginally larger than that proposed, I have not been provided with their planning history. In any event, these internally illuminated adverts are atypical of the area, where adverts are primarily confined to shop fronts, and in the case of the totem structure to the south, do not emit light during the day. These advertisements, therefore, are not directly comparable to that proposed.
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 advertisement to the south, 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