
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/17/3170981

7 Catford Broadway, London SE6 4SP

- 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/16/098561, 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.

Reasons

Visual Amenity

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. The immediate area has a predominance of traditional terraced shops constructed of stone and brick. Illuminated advertisements are largely confined to the front of shops in the immediate area, although there are examples of internally illuminated advertisements to bus shelters some distance away to the west. Mature trees line the road, and to the south west is a large playing field. The generous width of the pavement, combined with the mature trees, open green space, and 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- west 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 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 and illumination, would appear bright and obtrusive, to the detriment of visual amenity.

Public Safety

10. The proposed advertisement would face south west broadly towards oncoming traffic. Although set back from the kerb, it would be located close to a signalised junction and pedestrian crossing. TfL suggest that this area is also used as an informal crossing, and I observed at the site visit pedestrians crossing the road without assistance from traffic signals.
11. As identified above, 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. This near continuous illumination would give the proposed advertisement an uncharacteristically bright appearance, particularly during daylight hours. This brightness would cause greater distraction for drivers travelling north east approaching the signalised junction and pedestrian crossing.
12. The display would show static images, however the switch from one image to another – particularly where one image varies greatly in colour or design from the next – would give the impression of movement that would distract a driver's attention at the point of changeover. Although this distracting effect would be moderate and infrequent, at a rate of every 10 seconds, it would nonetheless affect drivers approaching at the point of change over.
13. The cumulative effect of the brightness of the display and the frequency of change between images would unacceptably distract driver's approaching the junction, significantly increasing the likelihood of misreading traffic signals, or colliding with pedestrians.

14. I note that a 30mph speed limit is in force on this part of Catford Road, nonetheless this is not sufficient to mitigate the harm outlined above.
15. Consequently the advertisement would cause unacceptable harm to highway safety and, thus, would be detrimental to public safety.

Other matters

16. 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

17. Accordingly, for the reasons given above, having had regard to all other matters raised, I conclude that the advertisement is detrimental to both the interests of visual amenity and public safety. I therefore dismiss the appeal.

O. Blower

Appointed Person