
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: 25 May 2017

Appeal Ref: APP/C5690/Z/17/3171017

209-211 Lewisham High Street, Hither Green, London SE13 6LY

- 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/16/098586, 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 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 immediate 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.
4. The site location plan shows the proposed site next to 232-236 Lewisham High Street. The application form, however, gives the site address as 209 – 211 Lewisham High Street, on the other side of the road. It is clear from the appellant's evidence, however, that the appeal site is in the location of the existing two back-to-back telephone kiosks located in front of 226-230, and opposite 209-211 Lewisham High Street.

Reasons

Visual Amenity

5. The appeal site is situated on a wide pavement broadly in the location of two existing back-to-back telephone kiosks which display unilluminated

advertisements on their outer surfaces. It is located in front of an open courtyard to one end of a group of three attractive rendered buildings of classical proportions - albeit close to a more modern single storey glazed building to the front. Mature trees line this side of the street.

6. On the opposite side of the road are a group of bus stops with illuminated advertisements to their sides, and to the north and south are two standalone 6-sheet illuminated advertisements. Other than these examples, however, illuminated advertisements are principally confined to the fronts of commercial premises. The generous width of the pavement, combined with the mature trees and a prevalence of traditional buildings, give the immediate area a predominantly pleasant, traditional verdant character and appearance.
7. 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 new telephone kiosk - replacing the existing two - and face broadly southwards. It would display sequential images no more frequently than every 10 seconds with a smooth fade between advertisements.
8. 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.
9. 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.
10. 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 kiosks at this precise location. The advertisement would therefore appear uncharacteristically bright and modern, at odds with the traditional verdant character of the area, 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.
11. As a result the advertisement, due to its location, method and area of illumination, would appear bright and obtrusive, detracting from the traditional verdant character of the immediate area, to the detriment of visual amenity.
12. The appellant has drawn my attention to the 6-sheet digital internally illuminated advertisements to bus shelters on the opposite side of the road further south. I have not been provided with their planning history, but in any event they are on the opposite side of the street, further south, away from mature trees, and directly in front of a shopping row. The two free standing 6-sheet internally illuminated advertisements to the north and south of the appeal site do not emit light during the day. Accordingly these examples are not directly comparable to the appeal proposal, which has been assessed on its own merits.
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.

Public Safety

14. The appellant suggests that the Council's objection on public safety grounds is based on correspondence received from TfL for a different site. Nonetheless, the issue of vehicular safety has been raised as a reason for refusal, and the appellant has tackled the matter in his grounds of appeal. Accordingly, in my view, addressing public safety as a main issue will not prejudice either party.
15. The proposed advertisement would face southwards so that it would be predominantly viewed by drivers of vehicles travelling north. It would, however, be set well back from the road edge and appear at broadly the same distance as the existing illuminated advertisement to the side of the glazed single storey building.
16. As a result, the advertisement would be located a sufficient distance from the signalised crossing so that its illumination and changing images would not unduly distract drivers approaching the traffic lights.
17. The advertisement would therefore not unacceptably harm highway safety and, thus, would not be detrimental to public safety.
18. Notwithstanding that the advertisement would be acceptable in public safety terms, it would nonetheless unacceptably harm visual amenity.

Conclusion

19. 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