The Planning Inspectorate

Appeal Decision

Site visit made on 26 May 2017

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2017

Appeal Ref: APP/A5840/Z/17/3172103
The Kentish Drovers, 73-77 Peckham High Street, London SE15 5RS

- 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 Sam Dayeh against the decision of the Council of the London Borough of Southwark.
- The application Ref 16/AP/4827 was refused by notice dated 26 January 2017.
- The advertisement proposed is an LED internally illuminated display replacing PVC poster, showing sequential static images.

Decision

1. The appeal is dismissed.

Procedural matter

2. The reason for refusal refers to 58 Peckham Hill Street, as the listed building that the Council considers to be harmed by the proposal. However, the rest of the evidence before me identifies the listed property of particular concern to the Council as 58 Peckham High Street. I have proceeded on that basis.

Main Issue

3. The Council raises no issue in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

Reasons

4. The appeal advertisement is an internally illuminated LED display unit that would occupy an elevated position on the flank wall of the appeal building to broadly face westbound users of Peckham High Street. It would be situated within the Rye Lane Peckham Conservation Area (CA), which has a commercial core, busy streets, an eclectic mix of buildings and signage that is both plentiful and varied. Diagonally opposite the site, on the southern side of Peckham High Street, is No 58, which is a listed building. The listing description provides an indication of the significance of this building as a heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA and preserving the listed building or its setting.

5. An existing internally illuminated panel would be removed to make way for the new display together with the platform, safety rail and plinth just below it. Compared to the advertisement to be replaced, the new display would be much

smaller, less bright and more appropriately placed at a lower level on the wall, with the edge of the unit set away from a front corner of the host building.

6. From what I saw, the new advertisement display would be visually separated from No 58 by a wide and busy road and so there would be no discernable effect on the setting of this listed building. In westerly views from Peckham High Street, the new display would, however, be highly conspicuous from some distance given its elevated position close to the highway and, after dark, its illumination. Extending well above the general commercial aspects of the shop fronts nearby, the overall impact of advertising material on the new display would be considerable. It would be intrusive on, and out of keeping with, the character and appearance of the local street scene notwithstanding the varied built form and signage within it. The times during which the new advertisement is lit and the level of brightness to the illumination could be limited by conditions, as suggested by the appellant. However, as the new advertisement would be overly prominent primarily due to its elevated position, such measures would not satisfactorily mitigate the harm that I have identified.

7. The appellant states that the site has been used for large-scale commercial advertising for some 16 years although few details have been provided to support this opinion. The Council also notes that it has no record of granting consent for the existing advertisement display or any previous advertisements on the site. On the evidence before me, I am unable to conclude therefore that the site has lawful consent to display an advertisement and so I attach limited weight to the presence of the existing panel in support of the appeal.

8. Being noticeable obviously reflects the key purpose of the new advertisement, which is to draw the eye of people passing by. In doing so, I have little doubt that the new advertisement would be effective given its high visibility to a busy road within a commercial area. However, this consideration has to be balanced against the need to ensure that advertisements do not negatively impact on the appearance on the built environment, especially in areas of acknowledged heritage value, as is the case here.

9. Although the local area includes many advertisements, some of which are illuminated, these are mainly associated with the ground floor shopping and commercial frontages. In the vicinity of the site, these advertisements are generally smaller and set a lower level than the proposal and so their visual impact is less harmful on the amenity of the area than would be the case with the appeal scheme.

10. Reference is made to regeneration proposals that according to the Council involve the removal of the Peckham Arch, which stands adjacent to the site. However, few details of this development have been provided and it is unclear whether planning permission has or will be granted for it. In those circumstances, I am unable draw any meaningful conclusions insofar as my assessment of the proposal is concerned.

11. I acknowledge that the removal of the apparatus at the foot of the existing display would in itself improve visual amenity. However, this would not outweigh the significant harm that would result from the new display.

12. Reference is made to 122 Peckham High Street where the Council recently granted consent for a new LED screen to replace a similar sized advertising light-box unit. That decision followed earlier advertisement proposals that were granted consent on appeal, details of which have been provided.

Although situated within the CA, No 122 does not share the same street scene as the proposal and from the information provided the particular circumstances of that case are not directly comparable with those before me. In any event, I have assessed the proposal on its own merits, as I am required to do.

13. On the main issue, I conclude that the proposed advertisement would cause significant harm to the visual amenity of the local area. For the same reason, it would detract from, and thus fail to, preserve the character and appearance of the CA, to which I attach considerable importance and weight. The public benefits of the appeal scheme, which would largely relate to information displayed on the new unit, are insufficient to outweigh the harm to the CA.

14. In reaching this conclusion, I acknowledge that the proposal would use sustainable materials and be energy efficient. Others raise no objection to the new advertisement. I also note that the Case Officer indicated by email prior to a decision being taken by the Council that the application would be recommended for approval.

15. Reference is made to various planning policies and guidance, at the national and local levels, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of the appeal, the plan policies and guidance have not therefore by themselves been decisive.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR