
Appeal Decision

Site visit made on 6 June 2017

by C J Ford BA (Hons) BTP Dist. MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2017

Appeal Ref: APP/E5330/Z/17/3171940

Footway in front of No 13 Blackheath Village, Blackheath, London SE3 9LA

- 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 Mohamed Ahmed (JCDecaux UK Ltd) against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 16/3694/A, dated 22 March 2016, was refused by notice dated 11 January 2017.
 - The advertisement is a double-sided freestanding forum structure, featuring 2 x Digital 84" screens positioned back to back.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for the same advertisement was previously submitted in error to the London Borough of Lewisham and advertisement consent was granted by that Council. A fresh application had to subsequently be made to the Royal Borough of Greenwich, as the relevant local planning authority. This background, albeit unusual, has no direct bearing on the appeal which has been determined on its merits. At the time of the site visit the forum structure was in position with the digital screens switched off.

Main Issue

3. Powers under the Regulations are exercised in the interests of amenity and public safety. As the Council's reason for refusal does not refer to amenity, the single main issue in this case is the effect of the advertisement on public safety.

Reasons

4. The forum structure visually forms the southern end of a recently upgraded bus shelter. The shelter has an open front to the B212 which is named Blackheath Village at this point. The structure is positioned a short distance back from the kerb and close to the junction of Blackheath Village with the side road Bennett Park. The digital displays are orientated to broadly face north and south.
5. The Council's reason for refusal specifically refers to the obscuring of sight lines for drivers emerging from the side road. That is undoubtedly the case given drivers seeking to exit Bennett Park have to position the front of a vehicle close

up to the junction before a view can be obtained, past the forum structure, of vehicles heading south on the main road.

6. However, that is not the only harmful effect in respect of public safety. For drivers approaching from the north and wishing to make a left turn into the side road, it obscures the view of pedestrians seeking to cross to the south side of Bennett Park. For those pedestrians, the structure likewise significantly compromises an over the shoulder view of vehicles intending to make this manoeuvre.
7. In the appellant's grounds of appeal it is stated that the scheme has been safety audited through Transport for London (TfL) Planning and no public safety objection was raised by TfL. However, the grounds of appeal do not appear to relate to the appeal site. They initially refer to 'Existing Advertised Shelter – Royal Borough of Greenwich Council' but thereafter refer to 'Westminster'. The separate images provided of the site before the shelter was upgraded also indicate that it was not an 'Existing Advertised Shelter'.
8. The parties have drawn attention to Development Plan policies, the National Planning Policy Framework and Planning Practice Guidance which they consider are pertinent to this appeal. In particular, it is noted that Policy DH(f) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 specifies that express consent will normally be given for advertisements provided they do not adversely affect public safety including pedestrians and drivers. The policies and guidance have been taken into account, so far as they are material.
9. On the basis of the observations made of the site and its surroundings, as described above, it is considered that due to the forum structure's location, size and orientation, it has an unacceptably harmful effect on public safety. The advertisement conflicts with relevant policies and guidance.

Other matters

10. The suggested benefits of the advertisement identified by the appellant have been noted which includes, amongst other things, the revenue generation for re-investment in transport infrastructure and the ability to display public information. However, as highlighted earlier, advertisements are subject to control only in the interests of amenity and public safety. The conclusion on the latter is determinative.

Conclusion

11. For the reasons given and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON