

Appeal Decision

Site visit made on 14 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 28 June 2017

Appeal Ref: APP/H5960/Z/17/3171732

Battersea Dogs and Cats Home, 4 Battersea Park Road, London SW8 4AA

- 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 George Ruiz against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/6975, dated 1 December 2016, was refused by notice dated 23 January 2017.
 - The advertisement proposed is a single portrait advertisement comprising a sequential illuminated display.
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Decision

1. The appeal is allowed and express consent is granted for the display of a single portrait advertisement comprising a sequential illuminated display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations, and the following additional conditions:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candelas per square metre.
 - 2) The images displayed on the sign permitted by this consent shall not change more frequently than once every ten seconds.

Main Issue

2. The main issue is the effect of the proposal on the visual amenity of the surrounding area, including the setting of the listed building.

Reasons

Character and appearance

3. The proposed advertisement display would be located on the eastern elevation of the cattery building at 4 Battersea Park Road. The advertisement would measure approximately 5m high by 3m wide, and would project from the surface of the building by around 1.2m. It would be illuminated, and would show a sequence of static images. The display would be located centrally between the existing vertical windows.
 4. To the north-east of the appeal site is the Battersea Power Station, which is a grade II* listed building. Dating from 1932, it is constructed of brown brick, and incorporates Art Deco design elements. The building is highly visible in the surrounding area, and is a commanding presence due to its considerable scale.
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5. The setting of a heritage asset is defined in the National Planning Policy Framework (Annex 2: Glossary) as the surroundings in which it is experienced. The extent of setting is not fixed and may change as the asset and its surroundings evolve. Elements of the setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance, or may be neutral.
6. From Battersea Park Road to the north-east of the appeal site, there is a clear view towards the listed building, and this line of sight is an important element of its setting. However, these views are not available until one reaches the section of road over the railway, if travelling in a north-east direction. At this point, the cattery building is behind the viewer, and so it has little impact on the setting of the power station.
7. The east elevation, where the advertisement would be located, sits at right angles to Battersea Park Road, and so the advertisement would be visible in closer views as one approached it travelling south-west along Battersea Park Road. However, if the viewer was facing south-west, then the power station would appear in the periphery of that view, to the north. From a greater distance, the advertisement would blend in with the other buildings and elements within the view, and so its visual impact would be lessened.
8. Whilst it may be possible to see both the power station and the cattery building within the same view, the significant separation distance between them and their position at approximate right angles to each other would render the advertisement an insignificant element within the setting of the listed building. I therefore find that the proposal would preserve its setting.
9. In addition, the close presence of the neighbouring building immediately to the north-east of the appeal site would partially block views of the advertisement in wider views. I note also that the cattery building is contemporary in character, and already has sizeable static advertisement displays on its main and west elevations. I therefore find that the proposed advertisement would not be out of keeping with the existing appearance of the cattery building.
10. The Council also raises concerns with regard to the effect of the proposal on the wider Vauxhall Nine Elms Battersea Opportunity Area. Reference is made to significant transformation in this area, but no further detail has been provided as to the specific reasons why the development would have an adverse effect on this area or any development proposed within it. The Council also refers to Phase 3 of the power station redevelopment, which would sit adjacent to the appeal site, and would contain a number of new buildings. Again, no further details of the Phase 3 proposals have been put before me. Moreover, if the area in question were to be redeveloped, then I consider it highly likely that the already slight visual relationship between the appeal site and the listed building would be reduced still further. I can therefore give little weight to these matters.
11. Drawing these factors together, I conclude that the proposal would not unduly harm the visual amenity of the surrounding area. Thus, there would be no conflict with Policy DMS 8 of the Wandsworth Local Plan Development Management Policies Document (DMPD, March 2016), which states that consent will be granted for advertisements where they would not harm visual amenity, in accordance with the NPPF and National Planning Practice Guidance. There would be no conflict with the design or historic environment policies in

the NPPF, and the statutory duty to have special regard to the desirability of preserving the setting of listed building would be satisfied.

Other Matters

12. I have had regard to the representation from the Battersea Society with respect concerns over highway safety. I note that the Council's Transportation Team has raised no objection in this regard. However, Transport for London has voiced concern regarding the illumination and transition speed of the sign, and suggested that safety should be reviewed after two years.
13. The appellant confirms that the advertising image would change up to six times every minute, which would be once every ten seconds. Whilst frequent, this changeover would not quick enough to bring about a flashing effect.
14. Due to its location in relation to Battersea Park Road, the advertisement would not be visible to drivers travelling north-east. For those travelling in the opposite direction and approaching the junction on the other side of the rail bridge, the traffic signals are visible from a reasonable distance. The advertisement would not interfere with views of the traffic signals, and there would adequate opportunity for drivers to assimilate the display as they approached. Therefore, in the absence of any substantive evidence to the contrary, I am satisfied that the proposal would not unduly harm highway or public safety.

Conditions

15. No non-standard conditions have been suggested by the Council. However, in view of the concerns above, I have imposed conditions to control the frequency of the image changeover, in line with the information supplied by the appellant, and the intensity of the illumination of the sign. I consider these conditions to be necessary to ensure public safety.

Conclusion

16. For the reasons above, and taking all other matters into account, I conclude that the appeal should be allowed.

Elaine Gray

INSPECTOR