

Appeal Decision

Site visit made on 31 May 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/N5660/Z/17/3171927

Before Prima Road (Opp No 330), Kennington Park Road, London

SE11 4PP

- 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 Andrew Jordan of JCDecaux Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06969/ADV, dated 22 August 2016, was refused by notice dated 24 February 2017.
 - The advertisement proposed is a double sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via a secure remote connection. In the event of an emergency, TfL will be able to override the advertisement function and display an 'Emergency Message', alerting the public of immediate danger.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisements on the character and appearance of the area.

Reasons

3. Paragraph 67 of the National Planning Policy Framework (the Framework) confirms that the issues of amenity and, where applicable, public safety, are the determining factors in advertisement appeals. The Regulations state that development plan policies alone cannot be decisive when determining cases such as this one. Nevertheless, the Planning Practice Guidance (PPG)¹ advises that in assessing the effect on amenity, factors such as historic, architectural or cultural features in the neighbourhood can be taken into consideration.
4. The appeal site is located on the A3, Kennington Park Road, adjacent to the railings that enclose St Marks Church and its associated gardens. A short distance away, on the other side of the junction with Prima Road, is The Belgrave Hospital for Children. Both these buildings are Grade II* Listed Buildings. The site also lies in the St Marks Conservation Area. I have therefore had regard to my statutory duties in relation to heritage assets alongside the Council's policies, the advice and guidance of the Framework and the PPG as material considerations in reaching my decision.

¹ Paragraph 079 Reference ID: 18b-79-20140306

5. No details of the original bus stop were provided with the application or the appeal proposal, but at the time of my site visit it appeared that the replacement shelter had been installed, including two back-to-back digital displays. The Council state that the pre-existing shelter had two static advertising panels on its façade, but I am uncertain as to where within the shelter those advertisements were placed.
6. The stretch of the eastern side of Kennington Park Road near the bus stop located is devoid of commercial activities. The trees and greenery of the gardens surrounding St Marks Church provide an attractive backdrop to the street and are a key part of the setting of the church. The Belgrave Hospital is a distinctive building on a prominent corner site and there is a notable absence of all but the most essential signs and street clutter.
7. The advertisements are set within a bulky structure that encloses the bus shelter completely at footway level. The introduction of successive static images, particularly on the outward facing screen, increases the prominence of the advertisements. They therefore appear visually intrusive in this particularly sensitive location. I acknowledge that the absence of full details of what previously existed on the site has not enabled me to fully assess the changes. Nevertheless, I consider that the advertisements that I saw on site, which appeared to be consistent with the description of the proposal, are harmful to the appearance of the Conservation Area and the setting of the nearby Grade II* Listed Buildings.
8. In coming to this view I have taken account of Policies Q17, Q20 and Q22 of the Lambeth Local Plan and the Council's Advertising and Signage Guide. These policies seek to resist advertisements in sensitive locations, such as within conservation areas and the settings of heritage assets. They also seek to see advertisements reduced and removed in particularly sensitive locations. In my view this site, within the St Marks Conservation Area and in close proximity to two Grade II* Listed Buildings, is a particularly sensitive one.
9. I conclude that the advertisements are harmful to the character and appearance of the area and for this reason the appeal should be dismissed.

Sheila Holden

INSPECTOR