
Appeal Decision

Site visit made on 20 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/Z5630/Z/17/3171887
79 Victoria Road, Surbiton KT6 4NS

- 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 Nicholas Foxon (JCDecaux) against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/16853/ADV, dated 1 December 2016, was refused by notice dated 2 February 2017.
 - The advertisement proposed is a single freestanding forum structure featuring a double sided digital 84" screen. The Digital Screen is capable of displaying illuminated moving images and content is supplied via secure remote connection. TfL will utilise 15% of digital screen broadcast time to display public service information. 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 Issues

2. The main issues in this appeal are firstly, the effects of the proposed advertisement on public safety; and secondly its effects on amenity, particularly in terms of whether it would preserve or enhance the Surbiton Town Centre Conservation Area.

Procedural Matter

3. The proposed advertisement, as described in the banner heading above, is designed to be freestanding but integral with a Transport for London (TfL) 'Landmark London' bus shelter. However, I saw at my visit that there was no bus shelter present at the site. Whilst I note the appellant's comments that a bus shelter would be permitted development at this site, I have been supplied with no substantive evidence to suggest the likelihood or timing of delivery of this. Moreover, I am mindful of the response of the Local Highway Authority which states that Transport for London (TfL) has not been in negotiations to locate a bus shelter at the appeal site, and that in any event the footway width falls below the relevant Department for Transport guidance on the placement of bus shelters. Accordingly, as the proposed advertisement is described as a freestanding structure I have assessed it on that basis for the purposes of the appeal.

Reasons

Site, Surroundings and Proposed Advertisement

4. The appeal site is close to a bus stop situated on Victoria Road, a long straight commercial thoroughfare that forms the spine of the Surbiton Town Centre Conservation Area. The Conservation Area's special character, and significance, derives to a substantial degree from the consistent building line and scale of the properties that address Victoria Road and those close by, their relationship with the railway station, and the degree to which the development pattern, and many of the buildings follow a 19th Century paradigm deriving from the area's comprehensive development as a 'new town' from the mid-1800s.
5. Commercial frontages of differing types and illumination are dominant at street level and there is a range of street furniture in the appeal site's wider surroundings. However, the presence of street furniture is notably sparser within the appeal site's immediate environs. The orderly arrangement of street furniture in the wider surroundings of the appeal site, combined with street trees and generally quite wide footways impart a pleasant spacious character to the streetscene. The pavement in the immediate environs of the appeal site is a contrast to this prevailing pattern, however, and is relatively narrow and more constrained.
6. The proposed advertisement is as described in the banner heading above.

Public Safety

7. The proposed advertisement would be located on a relatively narrow part of the footway. At the time of my lunchtime site visit, admittedly only a snapshot, there was a steady pedestrian flow along this stretch of pavement, combined with a number of people congregating at the bus stop. Given the commercial nature of the thoroughfare, the appeal site's adjacency to the train station, and the number of services that use the bus stop I have no reason to conclude that what I saw was an abnormally high volume of daytime footway users in the vicinity of the bus stop.
8. The size of the proposed advertisement combined with its inset from the kerb would further constrain the effective width of the footway within its immediate environs leading to conflicts between pedestrians, wheelchair users and people waiting for or alighting from buses. As a consequence, footway users would be pushed out into the highway to negotiate blockages in the environs of the proposed advertisement and this would cause harmful effects to highway safety and the convenience of footway users more generally. In arriving at this view I have taken into account the Local Highway Authority response, which questions the measurements given on the submitted site plan, and I note that this position has not been substantially contested by the appellant.
9. I note the appellant's references to a TfL safety audit for the site; however, I have not been supplied with any substantive details of this. I am cognisant that in a commercial area such as the one within which the appeal site sits it would be reasonable to assume that the proposed advertisement would not contribute materially to driver distraction. Nevertheless, this would not outweigh my findings in terms of its harmfulness to the safety and convenience of footway users more generally.

10. As a consequence, the proposed advertisement would have an adverse effect on public safety in this regard, and for these reasons it would conflict with Policy DM10 of the Royal Borough of Kingston-upon-Thames Core Strategy (adopted April 2012) (the Core Strategy), which, insofar as is relevant to the assessment of proposals subject to advertisement consent, seeks to ensure that they do not cause adverse effects to highway safety.

Amenity

11. Whilst I saw immediately across the road from the appeal site that there is a telephone kiosk with a digital advertisement display on its rear, it like other and less visually intrusive items of street furniture is located in part of the pavement close to the highway leaving an adequate clear space between it and the shop fronts. Moreover, the pavement across the road from the appeal site is markedly wider than that within its immediate surroundings. Thus unlike the digital display to the rear of the phone kiosk, the proposed freestanding advertisement would read as an overly large, intrusive and brash element of the streetscene, the incongruity of which would be exacerbated by the relatively sparsity of street furniture and particularly advertising signage in its immediate environs.
12. The proposed advertisement would exacerbate clutter in a narrow area of pavement, taken together with the existing bus stop signage and litter bin, and would be a marked and discordant contrast to the generally more orderly arrangement of street furniture, and the more spacious character of the streetscene more generally. Neither the presence of illuminated signage in the fascias of adjacent shopfronts, nor the restriction of the proposed signage's luminance would soften the harmful effects that the proposed advertisement would cause to the character of the streetscene to any appreciable degree.
13. The proposed advertisement would thus have a clearly appreciable negative impact on the amenity of its surroundings. As a result, and mindful of my duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the proposed advertisement would fail to preserve the character and appearance of the Surbiton Town Centre Conservation Area. For these reasons too the proposed advertisement would conflict with Policy 7.8 of the London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011 (Adopted March 2016); Policies CS8, DM10 and DM12 of the Core Strategy; and the National Planning Policy Framework, insofar as they are relevant to proposals requiring advertisement consent, and seek to ensure that the significance of heritage assets is sustained, and that proposals respond to local character and history.

Other Matters

14. I note that the proposed advertisement could have some benefits including the ability to display emergency and public information messages, could be an environmentally sustainable alternative to printed media, and that digital advertising could contribute to the economic vitality of the town centre, and support the operation of TfL more generally. However, the scale of these benefits would be modest, and thus they do not alter my conclusions in respect of the main issues given above.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I conclude that the proposed advertisement would cause harmful effects to amenity and public safety, and therefore the appeal should be dismissed.

G J Fort

INSPECTOR