



Appeal Decision

Site visit made on 27 June 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 14th July 2017

Appeal Ref: APP/N5660/Z/17/3172357

Co-Operative, 245 Brixton Road, Stockwell, London SW9 6LJ

- 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 Co Op Food against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/06751/ADV, dated 1 December 2016, was refused by notice dated 26 January 2017.
 - The advertisement proposed is display of 2 x non-illuminated fascia signs; 1 x fascia only logo illuminated; 2 x non-illuminated wall mounted aluminium panels; 1 x non-illuminated totem.
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Decision

1. The appeal is allowed and express consent is granted for the display of 2 x non-illuminated fascia signs; 1 x fascia only logo illuminated; 2 x non-illuminated wall mounted aluminium panels; 1 x non-illuminated totem 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.

Procedural Matters

2. Whilst I understand that the fascia signs have gained consent as part of a more recent application,¹ I have considered all elements of the scheme presented as part of the original application.
3. Whilst the two projecting signs were not specifically referenced in the original application form, they are included in the plans and the Council's reason for refusal and I have therefore considered them as part of the appeal proposals.

Main Issue

4. The main issue is the effect of the proposed signs on visual amenity with particular regard to whether they would preserve or enhance the character or appearance of the Brixton Road and Angell Town Conservation Area.

Reasons

5. The appeal site is located on the eastern side of Brixton Road, a busy commercial thoroughfare. It is within a linear Conservation Area centred on Brixton Road which is of varied character and appearance. The area around the appeal site is characterised by two to four storey traditional terraced properties located at the back of pavement with ground floor commercial uses.

¹ 17/01230/ADV

Various forms of advertising are commonplace on shop frontages as well as free standing advertisement hoardings, though on my site visit I saw little evidence of any form of illumination. There is also a range of street furniture.

6. The appeal building is a five storey brick built property. The shopfront in question spans three bays of the ground floor. It is set back some distance from the road frontage behind a forecourt which provides a small amount of parking and has a landscaped area adjacent to the pavement.
7. The three fascia signs were in place at the time of my site visit. Sign 'C' includes the internal illumination of the Co-op logo towards the centre of an otherwise plain grey background. Given the set back behind the main road frontage this element of the proposal is modest and proportionate, with the illuminated element confined to a small area. In these respects it does not appear unduly eye-catching or out of place.
8. The wall mounted panels, which were in place on the two central brick pillars at the time of my site visit, are of modest size and well balanced in relation to the overall appearance of this frontage. Permission is also sought for two non-illuminated projecting signs relating to 'Lotto' and 'Paypoint'. The yellow Paypoint sign was in place on the northernmost point of the frontage, rather than one of the central pillars, though the Lotto sign was not visible. I note the Council's reason for refusal relating to the lack of information regarding the design of these projecting signs. However, on the basis of the sign visible on site, and the further details provided with the appeal documentation, I also consider these signs to be of modest size and discrete appearance in relation to this frontage. When placed in accordance with the submitted proposals, this would lead to a reasonably balanced and symmetrical appearance overall.
9. Finally, the proposed totem, which was not in place at the time of my site visit, would sit forward of the building frontage within the landscaped area on the western site boundary. This would be a non-illuminated structure of around 2m in height using a similar dark grey and blue colour scheme to the shop frontage. I accept that such structures are not characteristic of this area, though have noted that back of pavement advertising is a prominent feature of this locality. I have also noted that the appeal site is set back considerably further than other commercial properties, and in this respect have some sympathy with the appellant's argument regarding the need to advertise in this way. Furthermore, given the relatively restrained nature of the proposal, the totem would be no more intrusive in the street scene than a typical shop frontage.
10. Overall, given the width of this frontage, its position set back from the road and the modest size and appearance of the advertising itself, my view is that the combined effect of these individual elements would not be excessive, nor would they lead to undue visual clutter. For these reasons I do not consider that the proposed signage would have a harmful effect on visual amenity. The Council has cited Policies Q5, Q6, Q16, Q17 and Q22 of the Lambeth Local Plan 2015 in its reasons for refusal. The Regulations² require that decisions are made only in the interests of amenity and public safety. These policies relate to design and heritage matters and I have taken them into consideration in my

² Regulation 3(2) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

decision. However, given that I have concluded that the proposal as a whole would not harm amenity, the proposal does not conflict with these policies.

11. I have also considered the requirements under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with regard to conservation areas, and the advice set out in the National Planning Policy Framework. However, as the advertisements would have a neutral impact and would preserve the character and appearance of the Conservation Area, this statutory duty would be satisfied.
12. Finally, the appellant has expressed the view that the aluminium panels, projecting signs and totem meet the criteria for deemed consent. However, given my findings in relation to the application for express consent, this is not a matter I need to consider further here.

Conditions

13. The Regulations impose five standard conditions. The Council has suggested five further conditions, two of which relate to the expiry of the consent after five years and the requirement that the advertisements be removed unless a further application is made. However, no particular justification for such conditions in terms of the advertisement being unacceptable after this time period has been provided. I therefore do not consider them to be necessary. A condition requiring development to be carried out in accordance with approved plans is not necessary in relation to express consents. Finally two conditions relating to illumination have been suggested in the interests of highway safety and visual amenity but, as the individually illuminated letters of the logo advertisement on the main fascia sign are both small and located some distance from the highway, I do not consider this to be necessary.

Conclusion

14. I therefore conclude that the appeal should be allowed.

AJ Mageean

INSPECTOR