

Appeal Decision

Site visit made on 19 July 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/N5660/Z/17/3175657
15 Lett Road, London, SW9 0AF

- 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 The Gym Group against the decision of London Borough of Lambeth Council.
 - The application Ref 17/01025/ADV, dated 1 March 2017, was refused by notice dated 25 April 2017.
 - The advertisement proposed is 3 fascia signs, 2 projecting or hanging signs and 3 other signs.
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Decision

1. Those parts of the appeal relating to the banner sign (no.8) and the pole-mounted sign (no.9) are dismissed. Those parts of the appeal relating to the wall-mounted signs (no.s 1, 2 & 3), the projecting sign (no.4) and the frontage signs (no.s 5, 6 & 7) are allowed and express consent for the display of the signage as applied for is granted. 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. The description of the proposal given in the summary above is taken from the application form. The Council's decision notice also lists 8 signs, adding more details for each type. However, the submitted drawings, the officer report and the Grounds of Appeal all address a total of 9 signs (albeit that the appellant says that 3 signs benefit from deemed consent and one is no longer needed). In the interests of clarity and completeness, my decision considers all 9 of the signs that have been described to me, and which I saw on site.
 3. The largely retrospective nature of this proposal does not affect my consideration of its merits.
 4. The Council's decision notice refers to 4 development plan policies and to a Council supplementary planning document [SPD], as cited in paragraph 15 below. The Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore the Council's planning policies cannot be decisive. I nevertheless take them into account as a material consideration.
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Main Issue

5. I consider that this is the effect of the proposal on the character and appearance of the area.

Reasons

6. Lett Road is a side road connecting Clapham Road and Liberty Street. It does not appear on the Ordnance Survey map showing the extent of the Stockwell Park Conservation Area. It appears to have been created as part of a mixed-use redevelopment scheme between the two main roads. This involves multi-storey buildings of distinctly contemporary character and appearance, incorporating significant amounts of glazing. The building containing the appeal site has a strongly rectangular facade, defined by rendered structural elements. The appeal site is at ground floor level, where the front wall is heavily recessed between the vertical elements of the main facade.
7. I visited the site at night in order to assess the effect of the illumination, but carried out my main site visit around midday. I consider the signs as numbered on the application drawings, and as addressed in the officer report.
8. Sign no.1 is next to the main entrance door, and so is well set back within the recess. Although illuminated, it is visible only from just outside the premises, on Lett Road, and seems to be entirely appropriate to its location and function. Signs no. 2 & 3 are fixed near the outer edge of a vertical structural support, and are visible from Liberty Street and Clapham Road respectively.
9. The projecting sign, no.4, is mounted on the vertical element, aligned with the horizontal first floor support. It is 750 mm in diameter, and can be seen from both main roads. It is quite large when seen close up. The officer report says it should be mounted higher, as a matter of highway safety, but the reason for refusal does not mention public safety. It is set behind a row of substantial low bollards, which seem to demarcate the frontage from the footway. The underside of the sign is not much lower than the ceiling of the recessed area that gives access to the doorway. Hence I am not persuaded that a public safety issue arises.
10. All 4 of these signs are very minor additions to the building that supports them, and in relation to the glass-fronted building opposite, across the narrow highway. As Lett Road is by no means a main thoroughfare, and is bounded by modern buildings, it seems reasonable to me that the gym should have appropriate modern signage that advertises its location to customers. The illumination of signs no.2, 3 & 4 means they are all clearly seen at night, when the gym was open, but only as relatively small features in a modern but secluded street scene. I consider that all these signs are in scale and keeping with their context.
11. Signs no. 5, 6 & 7 are all fixed to the recessed frontage of the gym, with no.s 5 & 6 being flat cut vinyl applied to the glazing. The Council does not object to them, and I have no reason to take a different view. The appellant says they have deemed consent. However, as they are part of a validated appeal, I include them in my formal decision.
12. Signs no. 8 & 9 are both offsite. No.8 is a large banner sign, attached to the side wall of a former warehouse building of some heritage interest. It is clearly seen from Clapham Road, where I regard it as an unduly large and discordant feature that detracts from amenity. The appellant says it is no longer required

and need not be considered. Nonetheless, it also is part of a validated appeal, and so I include its refusal in my formal decision.

13. Sign no.9 is pole-mounted, apparently in or near the footway of Clapham Road. It is said to replace a former sign, within the same mounting framework. Despite this, my observations on site cast some doubt over whether the dimensions of the sign as mounted match exactly those given on the application drawing. The visual impact is significant, albeit that Clapham Road is a wide and busy road. The level of illumination also seemed greater than a broadly similar sign at the opposite end of the former warehouse. It may be possible to address these various matters. But at this time, these findings and the lack of precision in the location of this sign on an Ordnance Survey plan, create sufficient reasons in my mind to withhold consent on the grounds of harm to character and appearance.
14. The Council says that signs no. 1, 2, 3, 4 & 8 harm the setting of nearby heritage assets, but gives no more information about them. No.s 1 – 4 are within a largely modern setting, and I consider that no harm would arise to identified heritage assets, including the Stockwell Park Conservation Area. Sign no.8 is attached to the side of an historic building, and detracts from its appearance and the character of the street scene. The pole sign (no.9) is a prominent feature on the edge of the conservation area. I consider that the level of illumination detracts from the mainly residential character and Georgian / Victorian origin of the conservation area as a whole, although the immediate setting is more mixed and commercial in nature. On balance, I consider that there is a small but significant negative effect on the quality of the conservation area arising from signs no. 8 & 9, that fails to preserve its character and appearance.
15. Among other things, Policies Q5, Q17, Q22 & Q23 in the Lambeth Local Plan (2015) seek respectively to respond positively to local historic character; to prevent advertisements giving rise to harm to amenity; to preserve or enhance the character or appearance of conservation areas; and to protect the settings of undesignated heritage assets. In so far as I have identified harm in these respects, these policies are a material consideration weighing against the proposal. Further concern arises with advice in the Advertisements & Signage Guidance SPD (2016) concerning the illumination of sign no.9.

Conclusions

16. Taking all matters into consideration, and for the reasons given above, I conclude that the banner sign (no.8) and the pole-mounted sign (no.9) give rise to significant harm to the character and appearance of the area and are detrimental to the general interests of amenity. These parts of the proposal should be dismissed.
17. However, I conclude that the wall and frontage mounted signs (no.s 1, 2, 3, 4, 5, 6 & 7) are acceptable in terms of amenity. I see no reason to withhold consent from these parts of the proposal.
18. Therefore I conclude overall that the appeal should be dismissed in part and allowed in part, as set out in the formal decision above.

G Garnham

INSPECTOR