
Appeal Decision

Site visit made on 5 September 2017

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2017

Appeal Ref: APP/N5660/Z/17/3179466
346 Clapham Road, London SW9 9AP

- 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 Sam Dayeh (DayLite LED Media LTD) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 17/01415/ADV, dated 22 March 2017, was refused by notice dated 28 June 2017.
 - The advertisement proposed is an internally illuminated LED sign.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The parties have drawn attention to Development Plan policies and parts of the National Planning Policy Framework, Planning Practice Guidance and local Supplementary Planning Documents which they consider are pertinent to the appeal. In particular, it is noted that Policy Q17 of the Lambeth Local Plan 2015 sets out that the Council will support proposals for advertisement panels where they are well integrated into their context and contribute positively to the local street scene. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations.

Main issue

3. The main issue is the effect of the proposed sign on the visual amenity of the area.

Reasons

4. The appeal site is located alongside the busy A3 Clapham Road and there is a distinct difference in the character of the eastern and western sides of the street at this point. The eastern side comprises residential development set behind the footway, mature trees and soft landscaping. In contrast the western side, where the proposal would be positioned, mainly comprises commercial development that stands at the back of the footway.
5. Notwithstanding the commercial nature of the western side of the street, there is a notable absence of large scale general advertising hoardings and panels.

The advertisements that exist mainly comprise fascia signage. Notable exceptions are bespoke signs directly related to the relevant business premises and temporary advertising that screens a development site located further to the north-east. Digital LED advertising is not a common feature of the locality.

6. The proposal is for a 6m high and 4m wide digital LED display panel that would commence 2m above ground level. It would be orientated to face south-west and have a maximum luminance level of 600cd/m². The supporting structure would be an architect designed freestanding monopole positioned close up to the flank of a taller and overtly modern mixed-use building. The structure would be in a 'chocolate and brass vibration' colour and have an overall random angular appearance.
7. Given the nature of the existing advertising in the area and owing to a combination of its large size, high level position and illumination, the proposed advertisement would appear as an unduly prominent and incongruous feature in the street scene, particularly when viewed in its wider context and the verdant residential eastern side of Clapham Road. Its visual intrusiveness would be accentuated by the digital display with its sharp images that would introduce a different character to the advertising in the locality.
8. The supporting structure would be subservient in height to the neighbouring building and its external finish would reflect the copper cladding to its upper floors. However, the building's embellished external appearance is characterised by straight lines. Therefore, whilst the structure would be a well designed and visually interesting feature in its own right, its more random angular form would awkwardly contrast with the straight lines of the building. Despite being freestanding, its close proximity and colour would inevitably result in it appearing as an unsympathetic addition to the building that would be detrimental to its character and appearance.
9. It is therefore concluded that the proposed sign would have an unacceptably harmful effect on the visual amenity of the area. It would conflict with relevant policies and guidance. The appellant's stated acceptance of a condition that would reduce the maximum luminance level to 300cd/m² would fail to overcome the identified harm. Similarly, the suggested benefit to local businesses and covering a lower part of the neighbouring building that is prone to graffiti would not outweigh the harm.

Conclusion

10. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON