



Appeal Decision

Site visit made on 10 October 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 25 October 2017

Appeal Ref: APP/L5240/Z/17/3179830

53 High Street, South Norwood, London SE25 6EF

- 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 Richard Page of Insite Poster Properties Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref:17/02096/ADV, dated 10 April 2017, was refused by notice dated 27 June 2017.
 - The advertisement proposed is the replacement of an existing illuminated 96-sheet advertising display with an illuminated 96-sheet digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 Regulations¹ and the additional conditions included in the Schedule at Annex A.

Procedural Matters

2. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the Development Plan does not apply to advertisement control appeals, the policies are material considerations. Nonetheless, the Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as material considerations. However, the Council's policies have not, by themselves, been decisive.

Main Issue

4. There is no indication that the advertisement would result in an adverse effect on public safety, with the Council offering no objections to the advertisement on this ground. On the basis of my observations of the existing advertisement, the appeal site and its environs, this is a conclusion with which I concur with. The Council has however raised concern in respect of the impact on amenity, and consequently, that there would be a significant impact on the character and appearance of the South Norwood Conservation Area (the Conservation Area) within which the appeal site is located.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

5. The main issue is therefore whether the advertisement would preserve or enhance the character or appearance of the Conservation Area.

Reasons

6. The Framework seeks to secure high quality design and advises that poorly placed advertisements can have a negative impact on the appearance of the built environment². In addition to the specific advice relating to advertisements, the Framework also sets out Government policy in relation to the historic environment. Paragraph 126 states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. As such, I am therefore mindful of my duties under Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 in relation to the Conversation Area.
7. This part of the Conservation Area has a mixed appearance. One side of the road is visually dominated by land used as an informal garden, known as The Sensible Garden. The other side of the busy A213 High Street contains a mix of substantial buildings, including David House, a contemporary block of flats and the Harris Academy. Apart from the advertisement associated with this appeal, the street scene also contains a variety of traffic signs, street lighting and a mix of advertising relating to commercial and retail premises.
8. The appeal site is located on the very edge of the Conservation Area and as such, acts as a gateway into it. The significance of the Conservation Area is largely derived from its varied character and with particular regard to the High Street, is characterised by mainly three storey buildings with shops on the ground floor and a relatively straight building line.
9. At the time of the site visit, an existing 96-sheet advertisement display was on the boundary with 53 High Street and located within The Sensible Garden. From observations made during the site visit, and from the submitted evidence, the existing advertisement consists of internally illuminated vinyl display posters. The unit is approximately 12 metres wide and 3 metres high.
10. The dispute regarding the length of time that advertising has been on the site is noted. Substantive evidence has been provided by the appellant demonstrating that a 96-sheet display static unit with rotating imagery was in-situ in 2006. The Council, however, contends that an internally illuminated display was installed on the site between 2008 and 2012. Nevertheless, and despite the conflict regarding installation dates, the existing display forms part of the current character and appearance of the Conservation Area.
11. The proposal is to replace the existing 96-sheet display with one which is almost identical in scale, in the same location. Consequently, the proposal would not draw undue attention to itself and, whilst clearly visible within the setting of the Conservation Areas, an increase in visual clutter would not occur.
12. The main difference proposed would be the introduction of LED tiles, which would display a range of static imagery, alternating every 10 seconds. The existing display operates at an internal illumination of 600 candela/sqm. Due to improved technological controls, the proposed change to the use of an LED display would enable the intensity of illumination to be reduced from the day time level of 600 candela/sqm to 300 candela/sqm at night time.

² National Planning Policy Framework paragraph 17, 4th bullet point and paragraph 67

13. In addition, through the imposition of a planning condition, the appellant would be willing to further reduce the level of illumination to 150/cd/sqm between the hours of 2300 and 0400. Conditions are also suggested by the appellant concerning how the images are displayed and for what duration.
14. Regard to the location of David House has also been taken into consideration, with particular respect to the habitable rooms and balconies which overlook the site. Given the level of usage of the A213, degree of separation from the site, the level of street lighting and the proposed reduction in illumination during the hours of darkness, no significant harm would occur in terms of impact on amenity to the occupiers of these dwellings. No significant harm has therefore been identified in relation to amenity. As such, the character and appearance of the Conservation Area would subsequently be preserved.
15. In reaching my decision regard has been given to the advice contained within the London Borough of Croydon Advertisement Hoardings & Other Advertisements Supplementary Planning Guidance No.8 with regard to displays in conservation areas. However for the reasons stated, it is not considered the proposal would be inappropriate or harmful to the Conservation Area.
16. Regard has also been given to policies UC3 and UD5 of the Croydon Replacement Unitary Development Plan 2006, Policy SP4.1 of the Croydon Local Plan: Strategic Policies 2013 and Policies 7.4 and 7.8 of The London Plan 2016. When taken together these policies seek, amongst other things, to ensure that such proposals do not cause damage to amenity and do not detract from the special character of conservation areas. Given that I have found that the proposal would not be harmful to the amenity of the area, the proposal is found to fully accord with these policies and guidance.

Conditions

17. The Council have not suggested any conditions in regard of the proposal. However, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, the appellant has suggested further conditions. I have considered these against the tests in the Framework and advice provided within the Planning Practice Guidance. I find them to be reasonable and necessary in the interests of amenity, although I have amended the wording of some conditions in the interests of clarity and precision.
18. It is noted that the appellant requested consent for a ten year period. However, as no substantive evidence was provided to justify such an extension, a five year consent has been granted. In any event, after five years an advertisement can continue to be lawfully displayed due to the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations.

Conclusion

19. I therefore conclude that, subject to the conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR

Annexe A

Schedule of Conditions

- 1) The intensity of the illumination of the advertising unit permitted by this consent shall be no greater than 600 candela/sqm during the daytime, 300 candela/sqm during the hours of darkness and 150 candela/sqm between the hours of 2300 and 0400.
- 2) The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
- 3) There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind before, during or after the display of any advertisement.
- 4) The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
- 5) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.