



Appeal Decision

Site visit made on 17 October 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 06 November 2017

Appeal Ref: APP/H5960/Z/17/3180094

British Telecom Communication Station (168053 Tq-6448), Old York Road, London SW18 1SP

- 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 DayLite LED Media Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2017/1511, dated 13 March 2017, was refused by notice dated 22 May 2017.
 - The advertisement proposed is free standing LED advertisement display measuring 4.80m x 3.20m x 0.50m (h x w x d) high grade steel aluminium.
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Decision

1. The appeal is allowed and express consent is granted for the display of the free standing LED advertisement display unit 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 and the following additional condition:
 - 1) The development to which this planning permission relates shall not be in place at the same time as the development for which planning permission was granted by the Secretary of State on 11 July 2014 under appeal reference APP/H5960/H/14/2215647 and pursuant to planning application reference no. 2013/5968.

Procedural Matters

2. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate, public safety taking account any material factors. The Council has drawn my attention to the policies it considers to be relevant to this appeal and whilst I have taken them into account as a material consideration, they have not by themselves been decisive in reaching my decision.
3. Notwithstanding the description of development given in the heading above, which is taken from the application form, the overall height of the advertisement display would be about 8.80m, when its supporting structure is taken into account. There also appears to be a discrepancy in relation to the depth of the display between the various measurements ascribed by the parties. The appellant states 0.50m, whilst the Council says it would be 0.33m. However, I do not consider this to be of any material consequence to my overall consideration of the appeal in relation to the main issue.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the visual amenity of the area.

Reasons

5. The appeal site lies in the north-western corner of the grounds around the British Telecom (BT) telephone exchange, which is located close to a busy road junction where the A3 and A217 converge. The area around the junction is characterised mainly by a range of commercial buildings of utilitarian appearance. There is a distinct separation between the character of this area and that formed by the residential streets to the south east.
6. National Planning Practice Guidance (PPG) advises in relation to impacts on amenity, that large advertisements may be permitted in a commercial area of a major city (where there are large buildings and main highways), where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
7. The Council's concerns relate to the cumulative visual effects of the proposed advertisement and in particular because of the presence of the existing hoarding next to the railway bridge to the north and another advertisement display granted on appeal (but to date not implemented) also within the BT site a short distance to the south of that proposed.
8. The proposed display unit would be sited away from the main BT telephone exchange building. It would appear above the boundary wall around the western part of the site and face towards the A217 (Swandon Way). It would sit against the backdrop of the wall of the building immediately to the north and would not in my view detract from any particular architectural features of either that building or the telephone exchange.
9. The surrounding area is host to a plethora of advertisements including a series of hoardings attached to the wall along the A217 opposite the site in addition to that next to the railway bridge. The large number of existing advertisements plays a major role in defining the characteristics of this commercial area. Accordingly, in this context the proposed display unit would not be out of place.
10. Nevertheless, I agree with the Council that to allow the proposal to go ahead when the similar permitted advertisement could be sited next to the south-western corner of the BT site, would result in a cumulative adverse visual effect on the amenity of the area by way of an over-concentration of such units in close proximity to one another on broadly the same site. However, the appellant has said that this other permission would not be implemented should permission be granted as a result of this appeal.
11. The proposed display unit would be smaller than that previously permitted and less prominently positioned further away from the junction. Thus, I consider it would be less harmful than the other permitted scheme. The appellant has provided me with a decision¹ within another authority area, which includes a condition to prevent two planning consents been implemented at the same time. I have no reason to take the view that a condition along similar lines could not be imposed in this case or that it would not meet the relevant tests

¹ Barnet London Borough Council ref H/04105/10 condition 9

set out in paragraph 206 of the National Planning Policy Framework. On this basis, and for the other reasons set out, I consider that the scheme would not be harmful to the amenity of the area and is therefore acceptable.

12. I have taken into account policies DMS1 and DMS8 of the Development Management Policies Document (2016) which seek to protect amenity and so are material to this case. Given my conclusion that the proposal would not harm amenity, it does not conflict with these policies.

Conditions

13. In addition to the five standard conditions in the Regulations, I have imposed a condition preventing the appeal scheme from being in place at the same time as that previously permitted.

Conclusion

14. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector