



Appeal Decision

Site visit made on 17 October 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 13th November 2017

Appeal Ref: APP/C5690/Z/17/3179951
100 Lewisham High Street, London SE13 5JH

- 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 Nicholas Foxon of JCDecaux UK Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/100848, dated 23 March 2017, was refused by notice dated 6 June 2017.
 - The advertisement proposed is described on the application form as: "Single freestanding Forum Structure, featuring a double sided digital 84" screen. The digital screen is capable of displaying illuminated, moving images and content is supplied via secure remote connection".
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Decision

1. The appeal is allowed and express consent is granted for the display of the "Single freestanding Forum Structure, featuring a double sided digital 84" screen. The digital screen is capable of displaying illuminated, moving images and content is supplied via secure remote connection" 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 intensity of the illumination of the advertisement permitted by this consent shall be no greater than 500Cdm², during the hours of darkness.

Main Issues

2. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In refusing the application, the Council states that the advertisement would contribute to visual clutter and detract from the setting of a nearby listed building, and would have a detrimental impact on pedestrian safety.
3. Therefore, the main issues are the effect of the advertisement on: (i) the amenity of the surrounding area and; (ii) public safety.

Reasons

4. The proposed advertisement is described as a six sheet display, which provides an advertising area of approximately two square metres. It would replace an existing internally illuminated freestanding advertisement with an LCD screen of the same display area dimensions. The physical design of the support unit

would differ from the existing advertisement, in that it would be floor mounted. It would occupy a similar footprint and would measure 1.34 metres by 0.35 metres by 2.37 metres high, with the advertisement orientated in portrait presentation.

5. The main difference between the existing and proposed advertisement is the display. The existing advertisement is displayed via an internal light source that lights a printed paper image. The proposed LCD screen would be capable of displaying fixed images and video with a brightness up to 2500Cdm².

Amenity

6. The advertisement would be located on the pavement in a predominantly commercial area, to the south-west of a late Victorian listed clock tower. The listed building is an imposing structure with architectural and historical relevance. It occupies a prominent central location and is visible in views along the High Street.
7. The statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to preserving the listed building or its setting or any features of special architectural or historic interest only applies to the consideration of whether to grant planning permission. However, the fact that a building is listed is a relevant material consideration when considering the effect on 'amenity', which I have taken into account. Although the advertisement would be relatively close to the listed building, it would occupy a less conspicuous site towards the edge of the High Street and would be separated by the shared surface roadway. As a consequence, the advertisement would be seen in the context of the adjacent commercial development and would not interrupt the main views towards the clock tower.
8. There is other street furniture in the vicinity, including utility cabinets, a telephone box and a lighting column, which result in visual clutter due to the narrowness of the pavement. Despite the proliferation of street furniture, the advertisement would not have a materially greater impact on pedestrian movement than the existing structure. Although the digital display would be more eye-catching, it would be seen against a backdrop of colourful shop fronts with modern, internally illuminated signage. Therefore, it would not have a materially greater effect on amenity than the existing advertisement. I accept that the proposal would be significantly brighter, and would stand-out during the hours of darkness, but this could be controlled through an appropriate condition.
9. I understand that other advertisements have been approved on the nearby bus shelter. Although cumulative impacts are a relevant consideration, the bus stop is some distance from the appeal site and I do not consider that the proposal would result in excessive visual clutter. Overall, I find that the proposal would not have an adverse effect on the amenity of the surrounding area.
10. I have taken into account Policies 7.4 and 7.8 of the London Plan, Policy 16 of the Core Strategy¹ and Policies DM19, DM27, DM30 and DM36 of the Development Management Policies,² insofar as they seek to protect amenity. Given that I have concluded that the proposal would not harm amenity, the

¹ Lewisham Local Development Framework: Core Strategy Development Plan Document, June 2011

² Development Management Local Plan, November 2014

proposal would not conflict with these policies. I note the Council's reference to the Framework, but the policy in paragraphs 131-134 does not need to be considered when determining advertisement consent appeals in relation to a listed building, as the policy only applies to the heritage related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Safety

11. The Planning Practice Guidance (PPG) advises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Examples are given as: at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
12. The Council considers that the proposal would be a distraction to road-users. The advertisement would be located on the edge of a narrow footway on a busy High Street, but the roadway in the vicinity is a shared surface with a traffic restriction. The advertisement would not be overly prominent to road-users of the main carriageway (A20). Although this type of advertisement is more likely to cause danger to road users due to the moving elements in the display, I am satisfied that it would be a sufficient distance from the main highway to avoid being a distraction.
13. I have taken into account Policy 14 of the Core Strategy, and Policies DM19 and DM35 of the Development Management Policies, which seek to protect public safety and so are material to this case. Given that I have concluded that the proposal would not harm public safety, it would not conflict with these policies.

Conditions

14. In addition to the five standard conditions set out in the Regulations, I have imposed a condition to restrict the illumination. This is to protect the amenity of the area during the hours of darkness when the effects of the illumination would be most evident.

Conclusion

15. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector