



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/17/3179949

181 Lewisham High Street, London SE13 6AA

- 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/17/100838, 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 dismissed.

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 nearby listed buildings, and would have a detrimental impact on road and 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 'Parisians-style' column structure with a smaller floor mounted unit housing a LCD screen. The physical design of the unit would differ from the existing column advertisement, in that it would be a more compact, modern unit. It would occupy a smaller footprint and would measure 1.34 metres by 0.35 metres by 2.37 metres high, with the advertisement orientated in portrait presentation. The appellant advises that the unit would be two sided, with the pavement facing display being made available for community messages.
5. The existing column 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 towards the front of the pavement, alongside the High Street in a predominantly commercial area. It would be sited in front of a terrace of grade II listed buildings, at Nos 187 to 197 Lewisham High Street. The listing description explains that the designation is due to the architectural quality of the buildings, the interiors and the architect, who was of some renown. The listed buildings are located at the edge of the pavement, which forms part of their setting. To the north, there is another listed building, St Saviours Church, although this is some distance from the appeal site.
7. The existing Parisians-style column advertisement is relatively tall and it is dominant in the street scene due to its size and design. In addition, there is a proliferation of street furniture in the vicinity, including a totem-style advert, seating, bollards, lampposts, road signs, a telephone box and street trees. There is also pavement seating associated with a restaurant adjacent to the site. Overall, the pavement is narrow and cluttered. I saw from my site visit that the area is busy and the existing street furniture hinders pedestrian movement.
8. The appellant points out that the replacement advertisement would reduce the overall mass and bulk of the structure and the pavement occupied by it, which would improve pedestrian flow. However, the modern advertisement would be sited on the pavement directly in front of the listed terrace. 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. The proposal would affect the surroundings in which the heritage asset is experienced due to its siting and close physical relationship with the listed terrace. Moreover, the modern design of the advertisement, its materials and the nature of the display, and likely levels of illumination, would detract from the character and quality of the listed buildings and their surroundings.
9. I appreciate that the existing advertisement is larger and it is a prominent and imposing feature. However, the traditional design and materials are more fitting to its location in close proximity to a designated heritage asset. In contrast, the proposed advertisement would be of a standard, modern design which would be more eye-catching. The appellant contends that the proposal would blend in with the commercial context, but I consider that it would add to the proliferation of street clutter and it would stand-out in the street scene. I have considered the appellant's argument that the most attractive elements of the street are found in the upper floors of the buildings, but I do not agree that the existing advertisement interrupts views to the first floors. Although the listed terrace has been altered at ground floor level, it is appreciated as a whole and is distinct from the adjoining office buildings.
10. Overall, I find that the proposal would have an adverse effect on the amenity of the surrounding area.

11. 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 harm amenity, the proposal would conflict with these policies.

Public Safety

12. 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.
13. The Council advises that there is a high incidence of collisions in this location, and the advertisement would reduce inter-visibility between vehicles and pedestrians. Also, the digital display images and videos would be distracting to drivers.
14. The advertisement would be located on the edge of a narrow footway on a busy High Street. Having regard to the PPG advice above, the advertisement would be located at a point where drivers need to take more care due pedestrians crossing the road from both sides. The type of advertisement is also more likely to cause danger to road users due to the means of illumination, which would be visible from the road, the frequent changes of the display and the moving elements in the display, which would be more likely to distract road-users.
15. I appreciate that there is an existing advertisement in situ, but the proposal would be materially different and would have a greater impact due to the display. I have considered whether conditions to restrict lighting levels would be appropriate. However, the images would still be moving and subject to frequent changes, which would be distracting and harmful to public safety.
16. 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 harm public safety, it would conflict with these policies.

Conclusion

17. I appreciate that the proposal may reduce waste and energy consumption, and may improve the ability of the Council to communicate with residents, whilst also providing economic benefits. However, these benefits would not outweigh the harm.
18. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

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

² Development Management Local Plan, November 2014