



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/17/3179950

Lewisham Library 199-201 Lewisham High Street, London SE13 6LG

- 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/17/100839, 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 have a detrimental impact on road and pedestrian safety and the visual amenity of the area.
3. Therefore, the main issues are: (i) the effect of the advertisement on public safety and; (ii) the amenity of the surrounding area.

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. The appellant advises that the unit would be two sided, with the pavement facing display being made available for community messages.
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.

Public Safety

6. 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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
7. The advertisement would be located adjacent to a road junction, and close to a pedestrian crossing. Having regard to the PPG advice above, the advertisement would be located at a point where drivers need to take more care due to the bus lane meeting traffic coming from the right and 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.
8. I appreciate that there is an existing advertisement in situ, but the proposal would be materially different and would have a greater impact. 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.
9. I have taken into account Policy 14 of the Core Strategy,¹ and Policies DM19 and DM35 of the Development Management Policies,² 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.

Amenity

10. The advertisement would be located towards the front of the pavement, between the main entrance to the library and the pedestrian crossing. The locality is commercial in nature although there is a terrace of grade II listed buildings, at Nos 187 to 197 Lewisham High Street, to the north of the site. 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.
11. The pavement is relatively narrow and the advertisement would be prominent due to its proposed siting, size and illumination. Aside from the existing advertisement, there is other street furniture in the vicinity including a cycle rack, lampposts and road signs, but overall the pavement in the locality is not overly cluttered. The advertisement would replace an existing display, and as set out above, the physical differences in terms of the size and siting would be marginal. Consequently, the proposal would not have a greater effect on pedestrian movement.

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

² Development Management Local Plan, November 2014

12. The proposed advertisement would be more eye-catching due to the moving nature of the display and likely levels of illumination, but this alone would not have a detrimental impact on the amenity of the surrounding area. The advertisement would be noticeable in views north towards the listed buildings, but it would be of a sufficient distance from the front elevation to ensure that their pre-eminence in the street scene would be unaffected.
13. I have taken into account Policy 7.4 of the London Plan, and Policies DM19, DM27 and DM30 of the Development Management Policies, which seek to protect amenity. Given that I have concluded that the proposal would not harm amenity, the proposal would not conflict with these policies. However, this does not overcome the harm to public safety as set out above.

Conclusion

14. I appreciate that the proposal may reduce waste and energy consumption, and may improve the ability of the Council to communicate with residents, but these benefits would not outweigh the harm.
15. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector