
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: 14th November 2017

Appeal A - Appeal Ref: APP/C5690/Z/17/3179945

33a Riverdale Centre, Lewisham High Street, London SE13 7HB

- 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/17/100849, 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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Appeal B - Appeal Ref: APP/C5690/Z/17/3179947

33a Riverdale Centre, Lewisham High Street, London SE13 7HB

- 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/17/100850, 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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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. The two cases are linked in terms of the main issues and their locational proximity. Also, the appellant is the same for each case. I have, therefore, dealt with the appeals in a single decision letter. For ease of reference, I have referred to the different cases as Appeals A and B, as set out in the headers.

Although I have dealt with each appeal on its individual merits, to avoid duplication I have considered the proposals together in this decision.

Main Issues

4. 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 applications, the Council states that each advertisement would have a detrimental impact on visual amenity and pedestrian safety.
5. Therefore, the main issues are the effect of the advertisements on: (i) the amenity of the surrounding area and; (ii) public safety.

Reasons

6. The two advertisements would be identical and are described as a six sheet display, which provides an advertising area of approximately two square metres. They would replace existing internally illuminated freestanding advertisements, with LCD screens of the same display area dimensions. The physical design of the support units would differ from the existing advertisements, in that they would be floor mounted. They would occupy similar footprints and would measure 1.34 metres by 0.35 metres by 2.37 metres high, with the advertisements orientated in portrait presentation. The appellant advises that the units would be two sided, with the pavement facing displays being made available for community messages.
7. The main difference between the existing and proposed advertisements is the display. The existing advertisements are displayed via an internal light source that lights a printed paper image. The proposed LCD screens would be capable of displaying fixed images and video with a brightness up to 2500Cdm².

Amenity

8. The advertisements would be located at the entrance to the shopping centre, facing towards the outdoor market. They would be prominently sited either side of two pillars, which support a canopy over one of the main entrances. The area is commercial in character and the advertisements would be seen against the backdrop of the shopping frontage.
9. The physical difference between the existing and proposed advertisements, in terms of their size and siting, would be marginal. However, the proposed advertisements would be significantly more eye-catching due to the moving nature of the display and likely levels of illumination. The cumulative impacts of both of the replacement advertisements in this prominent and busy locality would be considerable. The advertisements would occupy prominent sites between the shopping centre and the market and they would be highly visible. The advertisements would dominate their surroundings due to the level of illumination and moving display. Consequently, the proposals would have an adverse effect on the visual amenity of the area.
10. I have considered whether conditions to limit the level of illumination would overcome the harm I have identified. However, I am not satisfied that this would address the cumulative impact of two advertisements with changing and moving images, which would be reinforced as a consequence of their prominent siting.

11. I have taken into account Policy 7.4 of the London Plan, Policy 15 of the Core Strategy¹ and Policies DM 27, DM30 and DM 35 of the Development Management Policies,² which 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 advertisements would be in an area of high pedestrian activity and footfall, and the Council is concerned that the proposals would obstruct access and impact on pedestrian desire lines. However, there are existing advertisements in situ and the replacements would be comparable in terms of size and siting. Consequently, the proposals would not have a materially greater impact on pedestrian movement. The effect on users with limited mobility would be similar to the existing structures, and I do not consider that the advertisements would fail to provide safe and inclusive access, or otherwise adversely affect public safety.
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 proposals would not harm public safety, they would not conflict with these policies. However, this does not overcome my concerns about amenity as set out above.

Conclusion

14. I appreciate that the proposals 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 appeals are dismissed.

Debbie Moore

Inspector

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

² Development Management Local Plan, November 2014