



Appeal Decision

Site visit made on 18 October 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 15 November 2017

Appeal Ref: APP/A5840/Z/17/3179474
59 Peckham High Street, London SE15 5EB

- 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 Miss Anna McAree (Build Hollywood Ltd) against the decision of the Council of the London Borough of Southwark.
 - The application Ref 17/AP/1133, dated 13 March 2017, was refused by notice dated 17 May 2017.
 - The advertisement proposed is display of non-illuminated advertising panel measuring 3300mm x 6350mm.
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Decision

1. The appeal is allowed and express consent is granted for the display of the non-illuminated advertising panel measuring 3300mm x 6350mm 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.

Main Issue

2. The main issue is the effect of the proposed advertising panel on the visual amenity of the area, including the Rye Lane Peckham Conservation Area (RLPCA).

Reasons

3. The appeal site is located on the north side of Peckham High Street, a busy thoroughfare with a vibrant mix of shops, public houses and other commercial uses along with civic buildings, including an art gallery and a library. There is a colourful array of advertising on the fascias of commercial outlets, telephone kiosks and on the sides of some buildings, all of which contributes to the character and the appearance of the area. The site lies within the RLPCA.
4. Statute¹ requires that special attention shall be paid to the desirability of '*preserving or enhancing the character or appearance*' of a conservation area. Paragraph 67 of the National Planning Policy Framework (the Framework)² recognises that poorly placed advertisements can have a negative effect on the appearance of the built and natural environment.
5. The proposed advertising panel would be displayed on the gable end of a four-storey terraced building with commercial outlets on the ground floor and residential flats above. The gable end wall is supported by a heavy concrete

¹ s72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² Published March 2012

buttress arrangement which protrudes from it. As the building is set back from the corner with Melon Road, the gable end is exposed to public views from the west where its structure and current monotone light blue paint draws the eye and makes it an unprepossessing feature of the street scene.

6. Whilst the gable end wall is prominent, the proposed advertising panel would be positioned at ground floor level. Therefore, although it is fairly sizeable, it would not appear obtrusive in the context of the large gable end of a 4 storey building. Moreover, the position of the advertising panel would reflect the height of the existing shop frontages and fascias on the main street-facing façade of the terrace. It would also obscure a portion of the unappealing buttressing and would not, therefore, harm the host building.
7. The appellant refers to other advertising panels on the side of buildings in the area at higher levels. I noted one such sizeable illuminated advertising panel on the side of a public house to the east of the appeal site, also within the RLPCA, on my site visit. It is in a higher and arguably more noticeable position than the appeal proposal and I have no reason to suppose that it has been erected without permission. Given that the appeal proposal is for a non-illuminated panel with no moving images and would be at street level on a busy high street, with significant existing advertising in multiple forms, it would not appear incongruous or obtrusive.
8. The Council Officer's report lists a number of proposals for poster signs dismissed on appeal. However, I do not have full details of those appeal cases or the reasons that led to them being dismissed. Furthermore, many of those proposals relate to illuminated display panels. Therefore, I am unable to conclude that they represent a direct parallel with the appeal proposal before me, which I have, in any event, decided on its own merits.
9. The Council says that the advertising panel would be unrelated to the use of the building but does not explain the relevance of that factor in terms of the Regulations or policy. Whilst the Council's 'Pro-active Hoardings Project' targeting unauthorised adverts and adverts causing substantial detriment to the amenity of the locality is laudable, the effect of the proposed advertisement panel would not, in my view, place it within that category.
10. Overall, the above factors lead me to conclude that the advertisement panel would not have an adverse effect on the visual amenity of the area. It follows, therefore, that it would preserve the character and appearance of the RLPCA.
11. I have taken into account saved policies 3.2, 3.16 and 3.23 of the Southwark Plan (2007) along with relevant sections of the Framework, which seek to protect amenity and the character and appearance of conservation areas and so are material in this case. Given that I have concluded that the proposal would not harm amenity, it does not conflict with those policies.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR