
Appeal Decision

Site visit made on 8 November 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 22 November 2017

Appeal Ref: APP/H5960/Z/17/3181106
266 Mitcham Road, London SW17 9NT

- 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 Insite Poster Properties Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2017/2794, dated 9 May 2017, was refused by notice dated 10 July 2017.
 - The advertisement proposed is replacement 2no 48-sheet advertising displays with one 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and advice within the Planning Practice Guidance (PPG) require that decisions on advertisements be made only in the interest of amenity and public safety. The Council raised concerns only in terms of amenity and I agree with this approach. Therefore, the main issue is the effect of the proposed advertisement on visual amenity in the area.

Reasons

3. The appeal relates to the replacement of two existing non-illuminated advertisement hoardings on the gable wall of a two storey end of terrace building located at the junction of Mitcham Road and Glasford Street. The local area is characterised by a mix of local shops at ground level with residential accommodation above on Mitcham Road and two storey residential properties predominating on Glasford Street.
4. The proposed digital advertising display would be the same size as either of the two existing hoardings and would be in a consolidated position within the confines of the gable wall. However, I note that the proposal would protrude from the wall over the public footway to a distance of around 0.65 metres. This is about 0.3 metres further than the present hoardings.
5. Furthermore, I acknowledge the appellant's point that there have been two hoardings at the site and that the proposed digital display would represent a reduction in overall advertising space at the location. Notwithstanding this, from the evidence before me, I note that the existing advertising hoardings

have no formal planning approval and the Council states that the hoardings could be removed without a discontinuance notice. As a result, I give the presence of the existing advertisement hoardings limited weight in determining the appeal regarding the overall reduction in advertising space.

6. Whilst the proposal would constitute a reduction in advertising space at the site, it would introduce a significant amount of digitally illuminated space into the residential streetscene of Glasford Street where illumination of the existing advertising hoardings has been limited. I acknowledge that the luminescence levels proposed would be in accordance with industry guidelines. However, I find that the nature of the proposed illumination would be vividly incongruous with the residential character of Glasford Street.
7. I appreciate that the nature of the proposal would inevitably draw more attention to the advertisements at this location and that this is the primary purpose of such developments. However, whilst the impact of the proposal would be less intrusive on the more commercial character of Mitcham Road, I find that it would significantly harm the streetscene of Glasford Street and the residential amenity of those residing in facing properties, particularly 4 Glasford Street (No.4).
8. The affected property, No. 4, is a short distance along the street from the proposed display and is not directly opposite. Nonetheless, from what I have seen in evidence and at the site, I find that the size, position and proximity of the proposal to the facing windows of No. 4 would result in an intrusive and inappropriate development. The nature and luminescence of the digital display would have a significant detrimental impact on the residential amenity of the occupiers of No. 4. Moreover, I find that the impact of the proposal would be exacerbated by the intensified light pollution resulting from the digital display, particularly at night.
9. I have taken into account how the proposed display is to be operated and the level of luminescence proposed during the day and night and I have considered this in the context of the commercial and residential character of the area. As a result, I find that the position, height and nature of the proposed digital display would dominate the immediate area and would be out of keeping with the residential character of Glasford Street. Therefore, in addition to the adverse impact on the visual amenity of nearby occupiers and the wider area, I find that the proposal would be harmful to the character and appearance of the locality.
10. In coming to this view, I have had due regard to the conditions suggested by the appellant which seek to control the level of illumination and display. Notwithstanding this, I find that these conditions would not overcome the harmful effects of the proposal which I have identified.
11. The Council has referred to Policies DMS1 and DMS8 of the Development Management Policies Document 2016 and Paragraph 67 of the Framework in its reason for refusal. Amongst other matters, these policies and guidance seek to ensure that development has no adverse impact on the character and amenity of the local area or on public safety. Nonetheless, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, although the Council's policies broadly accord with the Regulations, they have not in themselves been decisive in determining this appeal. However, given

the adverse impact on visual amenity, in my view the proposal would also be contrary to the identified local policies, the Framework and the PPG.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would be unacceptable in terms of visual amenity and therefore the appeal is dismissed.

Andrew McCormack

INSPECTOR