
Appeal Decision

Site visit made on 23 November 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 06 December 2017

Appeal Ref: APP/A5840/Z/17/3181957

West Combe Apartments, 121 Newington Causeway, London SE1 6BN

- 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 Shailesh Patel against the decision of the Council of the London Borough of Southwark.
 - The application Ref 17/AP/1558, dated 21 April 2017, was refused by notice dated 16 June 2017.
 - The advertisement proposed is the display of Micromesh PVC Screens/Shrouds incorporating two external static illuminated advertisement banners attached to the facade fronting Elephant and Castle Roundabout (Banner A) and New Kent Road (Banner B) for a temporary period of 12 months.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The number of the property stated on the appeal form and the Council's decision notice have been adopted. The description of the proposed advertisement has been taken from the decision notice which is substantially the same as the one provided on the appeal form.
3. The Regulations and the National Planning Policy Framework make it clear that advertisements should be the subject of control only in the interests of amenity and public safety. Whilst the Council has referred to the policies which it considers relevant to this appeal they cannot, by themselves, be decisive but are material considerations to the determination of this appeal.

Main Issue

4. It is considered that the main issue is the effect of the proposed advertisement on amenity, in particular the character and appearance of the surrounding area.

Reasons

5. The appeal property is a 5-storey building sited at the junction of Newington Causeway and New Kent Road which are part of the former Elephant and Castle roundabout. At ground floor level there is a public house with residential accommodation above. Planning permission has been granted for an extension to increase the height of the property and provide additional accommodation.

6. The area surrounding the property is of mixed character with both residential and commercial uses. There are variations in the heights and design of the buildings. At ground floor level there are retail units with varying signage but with an emphasis on individually illuminated letters. There are a limited number of signs above ground floor level with the notable examples being 3 internally illuminated advertisement hoardings erected on the wall of the shopping centre. However, these signs are no higher than first floor level.
7. Currently, there is a scaffold erected above ground floor level. A shroud has been erected as part of the scaffold with a 1:1 image of the property. The south and west elevations include a large static advertisement which is externally illuminated by downlighters from roof level. The downlighting spills towards the footway. It is unclear from the available evidence whether the current advertisements are those which were the subject of the dismissed appeal referred to by the parties. The full details of this previous appeal scheme have not been provided and I have assessed this proposal on its own merits having regard to advertisements only being subject to control in the interests of amenity and public safety. No public safety issues have been raised by the Council.
8. The proposal is to retain the shroud for a temporary 12-month period during the construction of the extension and display 2 advertisements with external illumination. The signs would be set in from the sides of the shroud and extend approximately between the third storey and current roof level of the property. Although their status is unknown and they are larger than those proposed, the existing illuminated advertisement are helpful to assess the possible effect of the appeal scheme on the amenity of the area.
9. The Planning Practice Guidance refers to buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them being considered suitable as temporary sites for shroud advertisements or large wrap advertisements covering the face, or part of the face, of the building. Although not decisive, Policy 3.23 of The Southwark Plan 2007 (SP) is a material consideration and refers to all hoardings and shroud hoardings being permitted provided they do not harm amenity and are designed to be an unobtrusive part of the character and appearance of the site and surrounding area.
10. Immediately to the north and east of the property is the taller complex of buildings which comprise Metro Central Heights. This group of buildings are Listed. The Listing description identifies that the significance of these buildings is principally associated with its design reflecting the European Modern Movement, elevation treatments and external materials. As part of the high quality public realm and located to the east of the property and within the centre of what was the roundabout is the Michael Faraday Memorial. This is also a Listed Building but is separated from the property by a road and a landscaped area.
11. By reason of size, prominent siting, height above the footways/roads and method of illumination, the proposed advertisements would appear as unduly dominant and obtrusive features viewed from the surrounding area and would be uncharacteristic of other hoardings and signs. Although smaller than what has been erected, the proposed advertisements would materially detract from the high quality public realm and would visually harm the setting of the

adjoining Metro Centre Heights. The degree of harm to the setting of the Memorial would be significantly less because of this Listed Building's degree of separation from the property. The identified harmful effects to the visual amenity of the surrounding area would not be outweighed by the temporary nature of the appeal scheme. By reason of harm to amenity, the appeal scheme would conflict with SP Policy 3.23.

12. The Council has identified that the shroud would cover some habitable room windows and this was observed during the evening site visit with some rooms being lit. Although it is formed of a mesh material and allows for light and air circulation, the shroud would still have a detrimental impact on the living conditions of the occupiers of the property, including loss of outlook and daylight for occupiers. It is unclear whether the occupiers would remain in the property during the building works but the scaffold and shroud have been erected. This matter adds to my concerns about the unacceptable harm to amenity which has been identified.
13. The appellant claims that there are financial and other public benefit associated with the appeal scheme but there is nothing in the evidence to indicate that a shroud would not be erected during the construction period without the proposed advertisements. However, in any event, advertisements are subject to control only in the interests of amenity and public safety.
14. The appellant has suggested that the external lighting could be removed by condition. However, the scheme considered by the Council included external lighting and the Council has not been able to assess this alternative proposal. Accordingly, this appeal has been determined based upon the application scheme and it is concluded that the proposed advertisements would cause unacceptable harm to amenity, in particular the character and appearance of the surrounding area, and this appeal should be dismissed.

D J Barnes

INSPECTOR