



Appeal Decision

Site visit made on 11 February 2019

by Michael Simmons BSc(Hons) DipTP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

Appeal Ref: APP/L5240/Z/18/3207168

5 Derby Road, Croydon, CR0 3SE

- 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 Niazi Khan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/00257/ADV, dated 17 January 2018, was refused by notice dated 20 June 2018.
 - The advertisement proposed is described as 'A0 size pavement display board'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the advertisement in the banner heading above, 'A0 size pavement display board', has been taken from the application form. However, the description on the appeal form and in the Council's decision notice are different. I have used the description given on the original application.

Main Issues

3. The main issues are the effect of the advertisement on visual amenity and public safety.

Reasons

4. The Council have referred to policies DM12 and SP4.1 of the Croydon Local Plan 2018 and Policy 7.4 of the London Plan (consolidated with alterations since 2011) in their reasons for refusal and Supplementary Planning Guidance No 8 on Advertisement Hoardings and Other Advertisements (the SPG). However, powers under the regulations to control advertisements may be exercised only in the interests of amenity (in this case visual amenity) and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
5. I note that the appellant states that the sign is required as part of a marketing strategy. My consideration of the appeal is nevertheless confined by the regulations to matters relating to amenity and public safety; this factor does not outweigh the determination I have made on the two main issues at hand.

Visual Amenity

6. The appeal site is situated within a row of commercial units that display a variety of projecting and fascia signage. The proposal would introduce a prominent freestanding sign onto the forecourt of the premises which would also be an alien feature within this parade of commercial units. The sign would add to the visual clutter including that displayed by existing projecting and fascia signage, as well as other street furniture. Overall, the proposed sign would further erode the character and appearance of the public realm at this location and would be harmful to visual amenity.
7. I have taken into account the policies referred to by the Council which seek to achieve several objectives including safeguarding visual amenities. These policies are material in this case although I note that only policy DM12.1 deals specifically with advertisements. I have also considered the guidance in the SPG. Given that I have concluded that the proposal would harm amenity, in this case visual amenity, the proposal conflicts with these policies and guidance.

Public Safety

8. The proposed sign is to be situated on the forecourt of the premises. The width of the forecourt varies along the parade and its surfacing is uneven in places which would dissuade pedestrians to use it as a thoroughfare. The public footway is clearly delineated from the business forecourts and I do not consider that its width is "limited" as the Council contend. For these reasons I do not agree with the Council's view that the forecourt effectively functions as part of the footway. I saw no evidence of its use for this purpose during my site visit. The proposed sign would therefore not have a detrimental impact on pedestrian public safety. There is no evidence before me that the proposed sign would affect public safety in respect of road users.
9. I have taken into account the policies referred to by the Council and have also considered the guidance in the SPG. Given that I have concluded that the proposal would not harm public safety, the proposal does not conflict with these policies and guidance on public safety grounds.

Conclusion

10. For the reasons given above, regarding the effect on amenity, I conclude that the appeal should be dismissed.

MA Simmons

INSPECTOR