



Appeal Decisions

Site visit made on 18 June 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal A Ref: APP/A5840/W/18/3206239

Outside 38 – 44 Rye Lane, London, SE15 5BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Neil Scoresby (British Telecommunications plc) against the decision of the Council of the London Borough of Southwark.
- The application Ref 18/AP/0366, dated 2 February 2018, was refused by notice dated 30 April 2018.
- The development proposed is removal of 2 no. KX100 telephone kiosks and the installation of 1no. InLink.

Appeal B Ref: APP/A5840/H/18/3205747

Outside 38 – 44 Rye Lane, London, SE15 5BY

- 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 Neil Scoresby (British Telecommunications plc) against the decision of the Council of the London Borough of Southwark.
- The application Ref 18/AP/0367, dated 2 February 2018, was refused by notice dated 30 April 2018.
- The advertisements proposed are two digital LED display screens, one on each side of the InLink.

Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Procedural Matters

2. I have amended the description of the proposed development in the banner heading above in respect of Appeal A, so as to remove superfluous wording in the interests of clarity. For the same reason, the address used in the banner headings above is taken from the appeal form as that given on the original application form only provided a grid reference.
3. The description of development given in the banner heading above is taken from the original application form. However, I am aware that the proposals were amended during consideration of the applications by the Council to include the removal of three kiosks and I have determined the appeals on this basis.
4. The applications were submitted on a single application form to cover both planning permission and consent to display advertisements. As set out above there are two appeals on this site relating to both applications. Given that the advertisements are an integral part of the InLink, to avoid duplication I have

dealt with the appeals together however, each proposal has been considered on its own merits.

Main Issues

5. In respect of **Appeal A**, the main issues are whether the proposed development would preserve or enhance the character or appearance of the Rye Lane Conservation Area and the effect on the setting of the Grade II listed Baptist Chapel.
6. As the control of advertisements is exercisable only with respect to amenity and public safety, the main issue in respect of **Appeal B** is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

7. The Rye Lane Conservation Area is characterised by its busy commercial nature and mix of 18th to mid-20th century buildings. Rye Lane is a busy commercial street, with significant levels of traffic and is also a busy pedestrian route. The combination of the relatively narrow road, the proximity of buildings to the pavement and the busy nature of the street contributes to an enclosed character.
8. The appeal site is on the relatively wide pavement of the street where there is little in the way of street furniture, limited to lampposts and bollards sited close to the edge of the pavement. As such the pavement area located to the front of the buildings on both sides of the road is relatively uncluttered. Illuminated advertisements are largely confined to shopfronts, with the exception of a small number of illuminated advertisements on bus shelters, none of which are located in the vicinity of the appeal site.
9. Although the proposed InLink is of a simple, modern design, given the paucity of street furniture on this section of the pavement, the proposal would be a prominent and intrusive feature that would appear at odds with the simplicity of the public realm. Furthermore, the proposed siting in close proximity of the lamppost would result in a visually cramped appearance which would downgrade the quality of the public realm and cause harm to the appearance of the Conservation Area.
10. Owing to the proposed location of the Inlink on the opposite side of the road from, and further south than the Grade II listed Baptist Chapel, I find that its siting would not have any material impact on its setting. As such there is no conflict with Policy 3.18 of The Southwark Plan (2007) which requires developments to preserve or enhance the setting of listed buildings. Although the Council have referred to the proposed InLink affecting the setting of several other Grade II listed buildings, no details have been provided.
11. Due to the small scale of the proposed InLink, the harm to the Conservation Area would be less than substantial. Paragraph 195 of the Framework requires that where a development proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The InLink would provide a number of services to members of the public, including; free phone calls, device charging, an emergency 999 call button, capability for public messaging including offering content to the Council and

local groups, and providing a platform for interactive technologies such as air quality monitoring. However, considering the nature of these benefits against the harm to the character and appearance of the area, they do not outweigh the harm identified above.

13. Further, the appellant stated that three existing kiosks within the Conservation Area would be removed. All have a more dated appearance however, they do not appear to display illuminated signage. Whilst there would be a reduction in street clutter and therefore some limited public benefit in their removal, that would not outweigh the harm that would result to the Conservation Area.
14. Consequently, the public benefits do not outweigh the great weight that I am required to attach to the heritage asset's conservation. Overall, I conclude that in respect of Appeal A, the development does not accord with the design and heritage protection aims of Policies 3.12 and 3.13 of The Southwark Plan (2007) and Policy 7.8 of the London Plan 2016, which together seek high quality design which preserves or enhances the character or appearance of conservation areas and, Strategic Policy 12 of the Core Strategy 2011, which expects development to preserve or enhance Southwark's historic environment, including conservation areas. It also fails to accord with national policy which seeks to conserve and enhance the historic environment.
15. In respect of Appeal B, the appeal scheme would have a harmful effect on amenity and would fail to preserve the character and appearance of the Conservation Area, to which I attach considerable importance and weight. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the proposed advertisements do not accord with the overall design and heritage protection aims of Policies 3.15 and 3.23 of The Southwark Plan (2007), Strategic Policy 12 of the Core Strategy 2011 and Policy 7.8 of the London Plan 2016. It would also fail to accord with national policy which seeks to conserve and enhance the historic environment.
16. The Council referred to Policy 13 of the Core Strategy 2011 which concerns high environmental standards however, in the absence of explanation I find that this policy is not directly relevant to the main issues in these cases and weighs neither for nor against the proposals.

Other Matters

17. The appellant has referred to a Council owned digital six sheet poster display located elsewhere within the Conservation Area. However, I do not know the circumstances of that being permitted and as such it is a matter of limited weight in my assessment. In any event, I have considered the proposals on their own merits.
18. In the officer's report the Council refer to the proposed InLink causing unacceptable risk to highway safety however, this was not cited as a reason for refusal. As I am dismissing the appeals for other reasons, it is not necessary for me to consider this further.

Conclusion

19. For the reasons given above, Appeal A and Appeal B are dismissed.

Felicity Thompson

INSPECTOR