



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: 10th July 2019

Appeal A Ref: APP/A5840/W/18/3206237

Outside 194 Walworth Road, London, SE17 1JJ

- 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/0350, dated 2 February 2018, was refused by notice dated 27 April 2018.
- The development proposed is removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink.

Appeal B Ref: APP/A5840/H/18/3205614

Outside 194 Walworth Road, London, SE17 1JJ

- 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/0351, dated 2 February 2018, was refused by notice dated 27 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 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

4. In respect of **Appeal A**, the main issues are the effect of the proposed development on the character and appearance of the area including the setting of the Walworth Road Conservation Area and, the safety of cyclists.
5. 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 and the safety of cyclists.

Reasons

Character and appearance

6. The appeal site is on the relatively wide pavement of a busy commercial road to the front of a large modern building. The boundary of the Walworth Road Conservation Area is located in the road such that the broadly eastern side of the road lies within the Conservation Area. The proposed InLink would be located on the western side of the road.
7. The pavement around the proposed InLink is relatively wide and street furniture in the immediate vicinity of the site is limited to bicycle stands. The proposed InLink would have a simple, modern design and would be sited approximately 0.45m from the kerb edge. The contemporary appearance of the InLink would not be out of kilter with the modern character of the building to the west. Whilst it would be inter-visible with the Conservation Area, given the width of the street and the design and scale of the adjacent building, the appearance and placement of the kiosk would assimilate with its surroundings and would not deplete the character of the surrounding street scene to any material degree.
8. Whilst the proposed InLink would undoubtedly add to the amount of structures in the area, there would be an acceptable separation distance between it and the adjacent street furniture. This spacing combined with its lightweight appearance would avoid the impression of the InLink adding harmful clutter to the area.
9. The proposed illuminated advertisements by their nature seek to attract attention but I find that they would be in keeping with the character of this part of the busy commercial street, which already includes illuminated signage on shopfronts in close proximity to the appeal site. It follows that I find that the advertisements would preserve the functional urban characteristics of the appeal site.
10. For the reasons set out above, I conclude that the proposals would cause no harm to the character and appearance of the area and would preserve the setting of the adjacent Conservation Area. Consequently, in respect of Appeal A and so far as they are material in respect of Appeal B, the proposals accord with the overall design and heritage protection aims of Policies 3.12, 3.13, 3.15 and 3.18 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 setting 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. The proposals also accord with national policy which seeks to conserve and enhance the historic environment.

11. The Council referred to Policy 13 of the Core Strategy 2011 in respect of Appeal A, 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 this case and weighs neither for nor against the proposal.

Cyclist safety

12. Walworth Road is a busy commercial road. The proposed InLink would be set back from the edge of the pavement by around 0.45m in close proximity to nearby cycle stands. The section of road directly in front of the cycle stands is used by buses and as a bus stop. Given the proposed location of the InLink, the visibility of users of the cycle stands would be obscured in a southerly direction. Whilst some cyclists would move their bikes into the road before mounting, I find there is an unacceptable risk that others would mount their bicycles at the stands and move out into the road from a concealed position where both cyclists and oncoming traffic have limited awareness of one another.
13. Consequently, the proposals would pose an unacceptable risk to highway safety therefore, in respect of Appeal A and so far, as they are material in respect of Appeal B, would be contrary to Policies 3.23 and 5.2 of The Southwark Plan (2007) which together require that advertisements do not obscure highway sightlines or compromise safety and, that development has no adverse impact on transport networks.
14. The Council have referred to Policy 5.3 of The Southwark Plan (2007) however, this policy relates to the improvement and provision of facilities for pedestrians and cyclists. 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

15. 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, they do not outweigh the harm to highway safety identified above.

Conclusion

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

Felicity Thompson

INSPECTOR