
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/18/3206242

Outside 337 - 341 Walworth Road, London, SE17 2AL

- 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/0354, dated 2 February 2018, was refused by notice dated 30 April 2018.
 - The development proposed is removal of 2no. KX100 telephone kiosks and the installation of 1no. InLink.
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Appeal B Ref: APP/A5840/H/18/3205733

Outside 337 - 341 Walworth Road, London, SE17 2AL

- 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/0355, 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.
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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. An amended site plan has been submitted which correctly shows the proposed InLink in relation to the boundaries of nearby shops. Given the minor nature of the amendment I have determined the appeal on the basis of the amended plan and consider that no party has been prejudiced by me doing so.
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 issue is whether the proposed development would preserve or enhance the character or appearance of the Walworth Road Conservation Area.
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 Walworth Road Conservation Area is characterised by its busy commercial nature and a combination of two to four storey 18th, 19th and 20th century terraces, with shop fronts at ground floor level and illuminated advertisements largely confined to such shop fronts. Within the public realm, Walworth Road is a relatively busy commercial street, with significant levels of traffic and is also a busy pedestrian route.
8. The appeal site is on the relatively wide pavement of the street. A characteristic feature of the street is that the pavement on both sides of the road have relatively noticeable regular spaced and aligned trees that extend for the majority of the length of the road. In addition, other street furniture such as, litter bins, bike racks, benches and lampposts are set back from the pavement edge broadly aligned with the trees. As such the pavement area to the front of buildings has an uncluttered and reasonably spacious character.
9. Other than the presence of bike racks and a lamppost, the proposed InLink would be located on an area of pavement that is largely devoid of street furniture. 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 appear as a prominent and intrusive feature and would introduce an element of clutter to an otherwise relatively open pavement that would downgrade the quality of the public realm.
10. Given the location of the proposed InLink within the Conservation Area and the important contribution that the relatively clutter free environment of the pavement makes to the character and appearance of the area, the proposal would appear as an anomalous feature that would cause harm to and therefore would not preserve the character or appearance of the Conservation Area.
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 National Planning Policy Framework (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 two existing kiosks, one of which is within the Conservation Area would be removed. Both kiosks have a more dated appearance however, neither appear to display illuminated signage and I am not persuaded that they cause material harm to the appearance of the area. Whilst there would be a reduction in street clutter and therefore some limited public benefit in removing them, in particular that located within the Conservation Area, that would not outweigh the harm that would result to the Conservation Area. The other is located to the front of a petrol station close to petrol station signage, given this context there would be little overall benefit to the setting of nearby listed buildings by removing this.
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 proposed development does not accord with the design and heritage protection aims of Policies 3.12, 3.13 and 3.16 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. 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 issue in this case and weighs neither for nor against the proposal.
16. 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 3.16 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.

Conclusion

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

Felicity Thompson

INSPECTOR