



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/18/3206245

Outside 15 – 21 Camberwell Road, London, SE5 0EZ

- 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/0360, 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.

Appeal B Ref: APP/A5840/H/18/3205734

Outside 15 – 21 Camberwell Road, London, SE5 0EZ

- 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/0361, 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 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 structure, 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 whether the proposed development would preserve or enhance the character or appearance of the Walworth Road Conservation Area and the effect on highway safety.
5. As the control of advertisements is exercisable only with respect to amenity and public safety, the main issues in respect of **Appeal B** are the effect of the proposed advertisements on the visual amenity of the area and highway safety.

Reasons

Conservation Area

6. The appeal site is located on Camberwell Road within the Walworth Road Conservation Area which is characterised by its busy commercial nature and 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, Camberwell Road is a busy road, with significant levels of traffic and is also a relatively busy pedestrian route.
7. The appeal site is on the wide pavement of the street broadly to the north of a loading bay. The pavement area located to the front of the buildings on both sides of the road is relatively uncluttered and has a uniform and spacious character with the existing kiosk being the most prominent structure on this side of the road.
8. The proposed InLink would have a simple, modern design and would be sited approximately 0.45m from the kerb edge. Although its location would be prominent, the contemporary appearance of the InLink would not be out of kilter with the modern character of the shop fronts in nearby buildings. Furthermore, the proposed InLink would not lead to an increase in the amount of structures within this part of the road, as the existing kiosk would be removed and therefore would not result in a cluttered appearance that would be harmful to the character and appearance of the area or the visual interests of its surroundings. These factors lead me to conclude that the proposal would preserve the character and appearance of the Conservation 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. Consequently, in respect of Appeal A and so far as they are material in respect of Appeal B, I conclude that the proposals accord with the overall design and heritage protection aims of Policies 3.12, 3.13, 3.23 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. 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.

Highway safety

12. Because of the proposed siting close to the pavement edge, in close proximity to an existing loading bay, the proposed InLink would restrict visibility for drivers pulling out of the loading bay in a northerly direction, in particular those parked at the northern end of the bay. Given the busy nature of the road this would pose an unacceptable risk to highway safety particularly as drivers would be pulling out into oncoming traffic.
13. The appellant stated that they would be willing to accept a condition requiring the InLink to be set back from the pavement edge by around 1.4m however, I have no plans which illustrate this. Furthermore, the revision suggested by the appellant would materially alter the nature of the proposal and were I to impose such a condition this could lead to prejudice to interested parties including Southwark Council Highway Authority who have not had the opportunity to comment on such a revision.
14. Overall, the proposals would pose an unacceptable risk to highway safety therefore, in respect of Appeal A and so far, as it is material in respect of Appeal B, would be contrary to Policy 5.2 of The Southwark Plan (2007) which requires development to have no adverse impact on transport networks.
15. 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

16. 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

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

Felicity Thompson

INSPECTOR