



Appeal Decision

Site visit made on 1 July 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/A5840/Z/19/3226273

Adj Elephant & Castle Pub, 119 Newington Causeway, London SE1 6BN

- 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 Nathan Still (Infocus Public Networks Ltd) against the decision of London Borough of Southwark.
 - The application Ref 19/AP/0044, dated 7 January 2019, was refused by notice dated 27 February 2019
 - The advertisement proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The officer report and the appellant's appeal statement refer to Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which relates to communications equipment. To clarify, this appeal relates solely to the display of an illuminated advertisement on the existing telephone kiosk. I have therefore considered the proposal on this basis.

Main Issues

4. The main issues are:
 - The effect of the advertisement on the amenity of the area, including the setting of the Grade II Listed Metro Central Heights;
 - The effect of the advertisement on public safety, with particular regard to highway safety.

Reasons for the Recommendation

Amenity of the area

5. The proposed '6-sheet' illuminated advertisement panel would be affixed to the side of an existing payphone kiosk located on a public footpath adjacent to the

Grade II listed Metro Central Heights on the northern side of Newington Causeway. The vicinity is a dense urban area characterised by tall buildings and a variety of uses including residential, retail, office and educational.

6. There is a considerable amount of existing street furniture in the vicinity in the form of bus shelters, street lamps, benches, kiosks as well as many brightly lit commercial frontages and large advertising panels on the southern side of Newington Causeway. Although it would not appear as an alien feature in the locality, and I recognise there is an existing advert on the kiosk, I find that the proposal, when seen cumulatively with existing illuminated advertisements nearby, would result in an excessive proliferation of illuminated signs during times of darkness and adversely impact the amenity of the area.
7. Furthermore, I find that the Grade II listed Metro Central Heights is best appreciated with wide open pavements at the base of its tall structures, free of illuminated distractions. The addition of the proposed illuminated advertisement would draw the eye and therefore would fail to preserve the setting of the listed asset.
8. Although the appellant considered the impact of the proposed advertisement on the Conservation Area, the Council state the appeal site is not located in a Conservation Area and therefore I need not consider this matter further.
9. Therefore, the display of the illuminated advertisement would be detrimental to amenity. I have taken into account saved policy 3.23 of the Southwark Plan 2007 (the 'local plan') which seeks to ensure outdoor advertisements are designed to be appropriate within their context and do not harm the amenity of the area. The proposal would also conflict with saved policy 3.18 of the local plan and strategic policy 12 of the Core Strategy which together seek to ensure the setting of listed buildings are preserved. As I have found that the proposal harms amenity it would fail to accord with these policies.

Public Safety

10. The kiosk is located close to the kerb edge of the very busy Newington Causeway. I understand Transport for London and the Council's Transport Department raised concerns with regards to the siting and illumination of the proposed advertisement with regard to its effects on the users of the public highway.
11. I find that the proposed illuminated advertisement, due to its close proximity to the kerb, would distract cyclists and vehicle drivers heading past the kiosk and therefore increase the risk of accidents and thus endanger highway safety. The risk posed by this distraction is increased because the site is adjacent to a pedestrian crossing where pedestrian and vehicles need to be particularly alert to each other.
12. I conclude that the display of the illuminated advertisement would be detrimental to public safety, with particular regard to highway safety. I have taken account of saved policy 3.23 of the local plan which seeks to ensure outdoor advertisements and signage do not compromise public safety, as well as policies 5.2 and 5.3 of the local plan which seek to resist proposals which adversely affects the transport network, and the safety of pedestrians and cyclists. As I have found that the proposal harms public safety the proposal would conflict with these policies.

Other matters

13. I note the appellant's point with regards to advertising being a key component of sustainable economic growth and commercial enterprise, however I can only accord limited weight to this point and it does not change my view that the proposal would be harmful to amenity, including the setting of the nearby listed building, and highway safety.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR