
Appeal Decision

Site visit made on 15 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2019

Appeal Ref: APP/A5840/Z/19/3228285

90-92 Rye Lane, Peckham, London SE15 4RZ

- The appeal is made under section 17 of the Town Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by B.U.Media Ltd against the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0509, is dated 15 February 2019, was refused by notice dated 23 April 2019.
 - The advertisement proposed is a temporary scaffold shroud screen advertisement for a period of 6 months.
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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 Appellant's grounds of appeal states the lighting on the proposed advertisement is optional. The lights are however shown on the proposed plans and their removal would represent a fundamental change to the proposal which has not been consulted on. I have therefore considered the appeal on the basis of the original proposal.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the Rye Lane Conservation Area (the Conservation Area).

Reasons

5. The appeal site is a mid-terrace three storey building with commercial use on the ground floor and residential accommodation on the upper floors. The site lies within the Conservation Area which comprises a mix of properties in a variety of architectural styles and materials, many of which are three or four storeys. The area is predominantly commercial with shops and stalls.
6. As per the application form and the Officer's report, the proposed advertisement will measure 6.3m high by 9.5m wide. It will be placed in front of the upper floor's front elevation, and printed on a mesh scaffold safety

screen, which is setback from the ground floor retail unit of 90-92 Rye Lane. It would be in place for a period of six months.

7. The Appellant refers to the Planning Practice Guidance (PPG), where it states, in Paragraph 18b-005-20140306, "buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building". However, the PPG also explains, in paragraph 18b-079-20140306, that if the locality where an advertisement is to be displayed has important historic features, consideration should be given to whether it is in scale and in keeping with those features. Indeed, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, as required by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. It could be seen during my site visit that most advertisements in the area are associated with the retail and commercial uses located at street level. There were no advertisements of a similar scale or siting to that proposed on the upper floors of buildings in the surrounding area.
9. Therefore, by reason of its size, siting and illumination, the proposed shroud advertisement would result in a large conspicuous and discordant intrusion into the street scene. Due to its high positioning, albeit setback from the ground floor, it would dominate long distance views along Rye Lane from the south, particularly from the opposite side of the road. As such the appeal proposal would fail to preserve or enhance the character and appearance of the Conservation Area.
10. The appellant has suggested that the advert would enhance the scaffolding's appearance in comparison to the normal screening options. However, a scaffold would have a functional appearance and it is quite common in the street scene when a building is being refurbished or constructed and I consider such an installation would not look out of place in the Conservation Area, especially when regard is paid to the fact that the scaffolding, whether shrouded or not, would be in place only for around six months. As such, even though it may add visual colour and interest, I see there being no advantage in the scaffolding being shrouded with an advertisement in the manner proposed as it will not outweigh the harm. Furthermore, any revenue generated from the advertisement would not outweigh the harm to the area's visual amenity that would arise from the advertisement's presence.
11. Whilst the proposed advertisement would only be present for a temporary period of six months, it is not sufficient justification to allow a proposal which would have a harmful effect on amenity in this sensitive location.
12. Taking the above factors into account, I conclude that the proposal would be materially harmful to the visual amenity of the Conservation Area and, though the harm would be less than substantial, there are no public benefits to outweigh the harm. I have had regard to the National Planning Policy Framework (NPPF), specifically sections 7, 12 and 16, which seeks to prevent the negative impact of poor advertisements and enhance the character and appearance of the area.

13. I have also had regard to Saved policies 3.15 and 3.16 of the Southwark Local Plan, 2007, which, together with strategic policy 12 of the Southwark Council Core Strategy, 2011, all seek to preserve or enhance the character and appearance of Southwark's conservation areas. Saved policy 3.2 seeks to achieve protection of amenity and Saved policies 3.12 and 3.13 aims to achieve good design generally. Also, of particular relevance is policy 3.23 of the Southwark Local Plan, 2007, which states that outdoor advertisements should be designed to be appropriate within the context of the site and unobtrusive in terms of the character and appearance of the site and surrounding area. As I have found the proposal would harm amenity, it would conflict with these policies.
14. The Council further refer to policy 13 from the Southwark Council Core Strategy, 2011, which seeks to achieve high environmental standards. I do not consider this to be material.

Other Matters

15. The appellant refers to two application decisions (17/AP/4431 and 18/AP/2916) for a similar advert on a nearby site. However, I have been provided with limited details of the cases and as such, I can attach little weight to the findings. In any event, this advert was not in place at the time of my visit, so it does not influence the amenity of the area.
16. The Council states the illumination from the advertisement will have a harmful impact on the occupiers of 90-92 Rye Lane. The Appellant states the illumination could be limited to overcome this. In any case however, this would not be enough to mitigate the harm caused by the advertisement on the visual amenity of the Conservation Area.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

18. 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