



Appeal Decision

Site visit made on 7 November 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/N5660/Z/19/3233937

HSBC Bank, 512-514 Brixton Road, Brixton, London SW9 8ER

- 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 Blow Up Media UK Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 19/01866/ADV, dated 23 May 2019, was refused by notice dated 18 July 2019.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement (printed onto PVC and wrapped around the scaffolding) comprising a 1:1 image of the building façade with an inset area for public information and advertising measuring 9.3m x 5.8m for a period of 12 months.
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Decision

1. The appeal is allowed and express consent is granted for a temporary decorative scaffold shroud screen advertisement (printed onto PVC and wrapped around the scaffolding) comprising a 1:1 image of the building façade with an inset area for public information and advertising measuring 9.3m x 5.8m for a period of 12 months as applied for. The consent is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The express consent hereby granted shall be for a period of 12 months which shall begin on the date of commencement of the display of the inset advertisement area or 3 months from the date of this decision, whichever is the sooner.
 - 2) Written notice shall be given to the Council of the date of commencement of the display of the inset advertisement area on the shroud within 7 days of commencement.
 - 3) The advertisement and surrounding shroud hereby granted shall be removed at the end of the period specified in Condition 1 or on completion of the maintenance works detailed in the application, whichever is the sooner.
 - 4) The inset advertising area hereby granted shall only be displayed at the same time as the 1:1 image of the building façade.
 - 5) The advertisement hereby granted shall not display any moving, sequential or apparently moving images.
 - 6) No more than 4 lights shall be used to illuminate the advertisement hereby granted and they shall be positioned as shown on drawing PY3540/005. The intensity of illumination to the advertising area shall not exceed 300 candelas per square metre.

Procedural Matter

2. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Brixton Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the surrounding area and the Brixton Conservation Area (CA).

Reasons

4. The site occupies a prominent location close to the junction of Brixton Road, Acre Lane and Coldharbour Lane. Whilst positioned towards the end of the main Brixton high street, the site and its adjacent buildings have a commercial appearance, with advertisements being prevalent in the street scene. Some examples of high-level signage are observed in the area and the nearby McDonalds has a substantial glass frontage. There are however no permanent advertisements in the vicinity of the site which are directly comparable to the scale of the appeal proposal.
5. The proposed shroud would replicate the appearance of the host building whilst maintenance works are carried out. It would include an inset advertisement which the appellant states is required to fund the shroud. The appellant further states that without the inclusion of the advertisement the shroud is unlikely to be provided, and in such an instance the scaffolding would be enclosed by sheeting and/or netting. I have no substantive evidence before me which disputes that this would be the case.
6. In my judgement the proposal would create visual interest and be an appropriate addition while the works are undertaken. As the site is located within an area that has a commercial nature, the temporary addition of an advertisement would not appear unduly incongruous or out of place for the relatively limited period of its display. The proposal would also be read in the context of the large scaffolding that is to be erected, which would itself be only a temporary feature in the street scene. In my view, neither the shroud or the inset advertisement are likely to be interpreted as permanent or longstanding features.
7. The scheme would also result in the significant benefit of a replica of the host building being displayed and projected into the street scene, which is unlikely to occur without the provision of the advertisement inset. I note that the Council has raised concern about the size of the advertisement, however the ratio of advertisement to building on the shroud is not excessive, and it would be reasonably positioned in a manner that would leave the upper floor, roof and areas of brickwork visible on the shroud.
8. I have also had regard to the alternative that the scaffolding would instead be enclosed by sheeting and netting. In this respect, I note the Council would be content if such a scenario were to arise and that they have drawn attention to their Advertisements & Signage Guidance 2016 (ASG) which supports their position on this. However, I am not persuaded that sheeting and netting is a preferable visual alternative to the appeal proposal, in particular given the size of the frontage of the building and its prominent location close to the main

intersection of several main roads. Therefore, in my overall assessment of this appeal, this matter offers further weight in support of the proposal.

9. Both parties have drawn my attention to other appeal decisions in close vicinity to the site which they consider offer support for their respective positions. Whilst I have had regard to these decisions as far as the information provided to me allows, I have determined the appeal on its own merits, based upon the specific characteristics of the site and the proposal that is before me.
10. For these reasons, I conclude that the display of the shroud with an inset advertisement for a temporary period not exceeding 12 months would not harm the visual amenity of the surrounding area and CA and that the character and appearance of the CA would be preserved. I have also taken into account Policies Q2, Q5, Q6, Q17 and Q22 of the Lambeth Local Plan 2015 which seek to protect amenity, and which are therefore material in this case, and the Council's ASG. However, I have not found harm to visual amenity and therefore there is no conflict with the objectives of these policies.

Other Matters

11. The Council has raised the possibility that works to the building may not ultimately be undertaken but the shroud still be erected. The appellant has however provided a detailed schedule of works intended to be carried out at the property, which to my mind demonstrates that there is a reasonable intention to carry such works out. Accordingly, this consideration carries only very limited weight in my overall assessment of the appeal.

Conditions

12. In addition to the five standard conditions set out in the Regulations it is necessary to include a number of conditions which define the terms on which the consent is granted. A condition which restricts the period of consent in line with what has been applied for is necessary and I have worded this to allow a reasonable period of time for the scaffolding to be erected and works to be scheduled. This wording does not however extend the maximum 12 month display period which has been applied for. It is also necessary to require notice of the start of the display to be given to the Council, for monitoring purposes.
13. A condition which secures the removal of the shroud after that period, or on completion of the maintenance works, is necessary to ensure that the shroud is removed from the site. In the interests of clarity and to define the consent, a condition requiring that the display of advertisements is only undertaken in conjunction with the display of the full shroud is necessary. A condition restricting the display to static advertisement only is required in the interests of public safety, as is a condition restricting the illumination levels permitted.

Conclusion

14. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wraight

INSPECTOR