



Appeal Decision

Site visit made on 2 December 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/H5960/Z/19/3237319
58-70 York Road, London SW11 3QD

- 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 Ashley Smatt (King Media Ltd) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/2684, dated 19 June 2019, was refused by notice dated 14 August 2019.
 - The advertisement proposed is externally illuminated advertisement on a scaffold shroud.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on local amenity and public safety.

Reasons

Amenity

3. The appeal site lies on the north side of York Road (A3205) and is flanked to the west by Yelverton Road. The former public house has been demolished and the site is awaiting commencement of new building works for which scaffolding will become necessary.
4. The proposal seeks temporary advertisement consent for an illustrated shroud which would encase the scaffolding during the building works. The shroud would depict a 1:1 image of the new building and would contain an externally illuminated inset advertisement measuring approximately 10.8m wide x 16.4m high on the south elevation facing York Road.
5. Notwithstanding the small brewery and ground floor shops to the west, this section of York Road is predominantly residential, and as such, differs markedly in character and in the extent of commercial advertising that is present compared to the bustling commercial areas further to the east and west. Therefore, even though it is not a conservation area, the surroundings are more sensitive than the appellant gives it credit.
6. The inset advertisement would be located high above the street level, and according to the drawings, would span the height of five stories. Whilst this

- would represent less than 11% of the shrouded elevation, it would nevertheless be an advertisement of significant size in an elevated position.
7. By reason of its size, siting and illumination the proposed inset advertisement would result in a large conspicuous and discordant intrusion into the street scene. It would dominate views along this section of York Road and from the quieter housing environment along Wye Street to the south.
 8. My attention has been drawn to the Planning Practice Guidance¹ (PPG), which states that “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”.
 9. Accordingly, I acknowledge that the 1:1 image of the new building incorporated into the shroud would add some visual interest to the street scene during the construction period. The shroud would also help screen the scaffolding during the construction and would be of a superior quality to generic construction sheeting. However, these benefits would not outweigh the harm that would result from the visually intrusive inset advertisement. Whilst the advertisement would only be displayed for a temporary period, this is not sufficient justification to allow a proposal which would have a significant harmful effect on amenity in this location.
 10. I conclude, that the proposed advertisement would have a harmful effect on the visual amenity of the area. In that regard, paragraph 132 of the National Planning Policy Framework (the Framework) does not provide support for this advertisement because it would be poorly sited and would cause the quality and character of the area to suffer.
 11. The Council has also cited conflict with Policies DMS8 and DMTS9 of the Wandsworth Local Plan Development Management Policies Document 2016 (WLP) and I have taken account of those policies as a material consideration. However, the powers under the Regulations for the control of advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council’s development plan policies have not therefore, by themselves, been decisive.

Public safety

12. York Road is a highly trafficked A road for which Transport for London (TfL) is the highway authority. It is also the route for Cycle Superhighway 8.
13. TfL is concerned that in the absence of the specific advertisement content, it could not be certain that highway users would not be offended, and more importantly distracted, particularly at the nearby pedestrian crossing. Additionally, TfL raises issues with the structural safety of the scaffolding and shroud.
14. Having given due consideration to the above, I appreciate that the uncertainty over the advertisement content is not ideal in this particular

¹ Paragraph: 005 Reference ID: 18b-005-20140306

location, given it does not have a commercial character. However, whilst the road is dual carriageway in width, it is not a high speed road and there is no substantive evidence before me of particular road safety issues at this location. Moreover, the advertisement would be set well back from the road where it would not obstruct sight lines or confuse a road user's view of traffic signals and signs. Both the image and the illumination would be static so there would be no moving elements, and furthermore, the intensity of illumination could be controlled by a condition. As such, I am satisfied that the proposed inset advertisement would not prejudice the safety of highway users. Additionally, it seems to me that issues regarding the structural safety of the scaffolding and shroud do not relate to the display of the advertisement, and would be subject to separate control regimes.

15. Consequently, the proposal would be acceptable with regard to its impact on public safety. Therefore, 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 would not fail to accord with the public safety aims of WLP Policies DMS8 and DMT1, and the Framework.

Conclusion

16. Although I have concluded that the proposed advertisement would not prejudice conditions of public safety, the display would cause significant harm to local amenity. Accordingly, the appeal should be dismissed.

Adrian Caines

INSPECTOR