
Appeal Decision

Site visit made on 19 November 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal A Ref: APP/C5690/Z/19/3230128

Os 371 Lewisham High Street, Hither Green, London, SE13 6NZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110676 dated 16 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub
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Appeal B Ref: APP/C5690/Z/19/3230131

Os 199 – 201 Lewisham High Street opposite junction with Molesworth Street, London, SE13 6LG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110678 dated 16 January 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub
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Appeal C Ref: APP/C5690/Z/19/3230132

Os 252 Lewisham High Street, London, SE13 6JU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110679 dated 16 January 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub
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Appeal D Ref: APP/C5690/Z/19/3230135

Os Lewisham Shopping Centre entrance, Molesworth Street, Ladywell, London, SE13 7HF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110681 dated 16 January 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub
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Appeal E Ref: APP/C5690/Z/19/3230138

129 Os Santander Bank, Lewisham High Street, London, SE13 6AQ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Limited) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/110682 dated 16 January 2019, was refused by notice dated 3 May 2019.
 - The development 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 appeals A, B, C, D and E are 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 Matters

3. As set out above, there are five separate appeals for the display of a single illuminated sequential display affixed to the frame of the communication hubs. Whether or not the communication hubs benefit from deemed consent is not to be determined in the context of a Regulation 17 appeal. The proposals have therefore been assessed solely on the basis that they are for the advertisements. The hubs were not in place at the time of the site visit. Whilst each appeal relates to a different site, the size and nature of the proposed advertisements on the sites are identical. Each proposal has been assessed on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
4. The advertisement in each case is an industry standard 6 sheet display with a display area of just under 2 square metres affixed to the rear of the freestanding communication hub. All proposed advertisements would be internally illuminated by means of LED modules, and the illumination would be static. The advertisement would feature a displayed image changing in a repeated sequence, with the LED illumination to a level no greater than 300Cdm². As the appellant has set out within their statement, while the advertisement is an integral part of the design of the communication hubs upon which it is affixed, the communication hubs do not form part of the assessment.

5. The Council has drawn attention to the policies it considers relevant to these appeals and these have been taken into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. The Council's policies have not therefore, in themselves, been decisive in this appeal.
6. While the Grounds of Appeal submitted by the appellant state that the advertisements would be located in a Conservation Area, the Council has confirmed in the Officer Reports that this is not the case.

Main Issue

7. The main issues are:
 - (i) in respect of all appeals, the effect of the proposal upon highway safety; and
 - (ii) in respect of appeals B, C, D and E, the effect of the proposal upon the character and appearance of the area.

Reasons for the Recommendation

Appeal A – Outside 371 Lewisham High Street

8. The communication hub to which the proposal would be affixed would be located on Lewisham High Street at the corner junction with Mount Pleasant Road. The site currently consists of a standalone, internally illuminated two-sided advertisement display on the public footpath. There are various elements of street furniture in the immediate location, primarily comprising bollards, road signs and a lamppost at the corner junction. Nonetheless the footpath is wide and therefore feels relatively free from clutter, providing ample space for the passage of pedestrians. The southbound section of road on Lewisham High Street adjacent to the site comprises a bus lane and one further lane of traffic, where the speed limit is ten miles per hour above that of Mount Pleasant Road.
9. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
10. The proposed advertisement would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless the LED illumination and changing images have the potential to cause a distraction to road users at a level above the existing advertisement at the site, which blends with the streetscene and does not unduly draw attention in the same manner.
11. The advertisement would be situated in a location where drivers would need to take more care due to it being located close to the footpath at the corner junction with

Mount Pleasant Road. For drivers and cyclists exiting onto Lewisham High Street at this junction, they will be entering higher speed traffic on a main road. They must also ensure that they do not turn directly into the bus lane. For drivers and cyclists entering Mount Pleasant Road, the speed limit drops and on-road parking is present immediately after turning into the street. Finally, drivers and cyclists travelling along Lewisham High Street passing by the appeal site need to be aware of the various movements to and from Mount Pleasant Road. All three of these categories of drivers and cyclists would have a clear view of the proposed advertisement which, as outlined above, has the potential to catch attention due to the LED illumination and changing images, particularly during the hours of darkness. This could therefore reduce highway safety in the vicinity and cause an increase in collision risk.

12. The Council has also stated that the proposal would have an unacceptable impact on the footpath. While it would not have an impact on the footpath in terms of preventing the passage of pedestrians due to the wide nature of the pavement, it could provide a distraction to pedestrians walking in both directions on the approach to the junction with Mount Pleasant Road. This would reduce the focus of pedestrians on the nearby traffic movements and could lead to an increase in accidents.
13. Given the size of the advertisement display, its location, and its LED illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity when compared with the current advertisement at the site. As such, the proposal would negatively impact the safety of nearby vehicle users, pedestrians and cyclists. Accordingly, it would conflict with Policy 6.10 of the London Plan 2016 and Policy DM35 of the Development Management Local Plan, November 2014.

Appeal B – Outside 199 – 201 Lewisham High Street

Visual Amenity

14. The communication hub to which the proposal would be affixed would be located on Lewisham High Street, opposite the roundabout leading to the junction with Molesworth Street. The site currently consists of a standalone, internally illuminated two-sided advertisement display on the public footpath. Along this section of Lewisham High Street there are a variety of relatively large scale buildings comprising a mixture of retail and commercial uses with associated fascia signs at ground floor level, including a public library in front of which the proposal would be placed. The Grade II listed Former Prudential Building is located 25 metres from the site. I am required to have special regard to the aim of preserving the building or its setting and any impact in that regard is relevant to the consideration of visual amenity. Various elements of street furniture are also present within the immediate vicinity, including numerous road signs, bollards a set of traffic lights and a bicycle parking facility.
15. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is located, the proposal would represent a noticeable feature at the site. The advertisement would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless the LED illumination and changing images distinguish it from the other older style signage present in the area, including the existing advertisement at the site that blends with the streetscene and does not unduly draw attention in the same manner. By nature

of its design, the advertisement would represent a stark and incongruous feature particularly in the hours of darkness.

16. Furthermore, the cumulative impact of introducing the proposed advertisement display at the appeal site would result in an unacceptable proliferation of advertisements having regard to the vibrant displays already present in the area. While it would reduce the number of advertisements at the site from two to one, the bright LED display would nonetheless noticeably add to visual clutter when experienced in the context of the other signage in the location, increasing the busy and crowded of the immediate surrounds.
17. As noted above, the proposal would also be located opposite the side elevation of the traditional Grade II Listed Building. In such a dense urban context the streetscape provides overlapping settings, but views of the building are particularly prominent due to its corner plot setting, which contributes to both its visual and historic significance. The proposal would be experienced primarily along the side elevation of the Listed Building, in an already mixed urban setting. Nonetheless, its overtly modern design would further detract from the historic and visual significance of the building and as such would have a negative effect on the setting of this Listed Building and would be a discordant feature in this context.
18. For the reasons set out above I find that the proposal would, by reason of its size, siting and illumination adversely affect the visual amenity of the character and appearance of the surrounding area. As such, it would conflict with Policies AM19, DM30 and DM35 of the Development Management Local Plan, November 2014.

Highway Safety

19. Lewisham High Street is a busy main road and the appeal site is located at a particularly complex section towards the edge of the footpath. The roundabout adjacent to the appeal site provides access to and from the junction with Molesworth Street, while a bus lane allows certain traffic to travel from the northern side of Lewisham High Street. Cycle lanes provide access along Limes Grove to the side of the public library and two islands, one of which is controlled by a set of traffic lights, allow pedestrians to cross the road in proximity to the appeal site.
20. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
21. The communication hub on which the advertisement is to be displayed would be situated at the edge of the footpath at a busy part of the highway in terms of pedestrians crossing the street and the general movement of buses, cyclists and other vehicle users negotiating the roundabout and junctions at this location. Its LED screen, which would span across almost the entire side panel of the kiosk, would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Its LED illumination and changing display has the potential to catch the attention of drivers, cyclists and pedestrians

alike, reducing their focus on surrounding traffic movements and increasing collision risk as a result.

22. Given the size of the advertisement display, its location, and its LED illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity when compared with the current advertisement at the site. As such, the proposal would negatively impact the safety of nearby vehicle users, pedestrians and cyclists. As such it would conflict with Policy CS14 of the Lewisham Local Development Framework Core Strategy Development Plan Document, June 2011.

Appeal C – Outside 252 Lewisham High Street

Visual Amenity

23. The communication hub to which the proposal would be affixed would be located on Lewisham High Street, opposite the junction with Morley Road in proximity to a section of highway that passes under a bridge. The site currently consists of a standalone, internally illuminated two-sided advertisement display on the public footpath. Along this section of Lewisham High Street there are a variety of buildings comprising a mixture of retail and commercial uses with associated fascia signs at ground floor level, including a taxi rank in front of which the proposal would be placed. This taxi rank has a particularly busy front elevation with numerous signs, many of which are illuminated, including an illuminated display above the door that stretches across the entire width of the property. Various elements of street furniture are also present within the immediate vicinity, including road signs, a traffic bollard, a rubbish bin and bicycle parking facilities. Bus stops, a telephone box and another two-sided advertisement display are also visible from the appeal site on the opposite side of the street.
24. Whilst acknowledging the existing advertisements, and the fact that the proposed advertisement would be proportionate to the structure on which it is located, the proposal would represent a noticeable feature at the site. The advertisement would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless the LED illumination and changing images distinguish it from the other signage present in the area, including the existing advertisement at the site that blends with the streetscene and does not unduly draw attention in the same manner. By nature of its design the proposal would be an overtly modern addition to the footpath and would be a stark and incongruous feature, particularly in the hours of darkness.
25. Furthermore, the cumulative impact of introducing the proposed advertisement display at the appeal site would result in an unacceptable proliferation of advertisements having regard to the vibrant displays already present in the area. While it would reduce the number of advertisements at the site from two to one, the bright LED display would nonetheless noticeably add to visual clutter when experienced in the context of both the other signage in the location, particularly alongside the many illuminated displays present at the taxi rank. This would increase the busy and distracting feel of the immediate section of the footpath from an advertisement perspective
26. For the reasons set out above I find that the proposal would, by reason of its size, siting and illumination adversely affect the visual amenity of the character and

appearance of the surrounding area. As such, it would conflict with Policies AM19, DM30 and DM35 of the Development Management Local Plan, November 2014.

Highway Safety

27. Lewisham High Street is a busy main road. When travelling northward in the vicinity of the appeal site, pedestrians and drivers would approach the proposed advertisement just after passing under a bridge in a single lane of traffic, where the advertisement would be situated close to the edge of the footpath. Travelling southward on the opposite side of Lewisham High Street, the bus lane ends in proximity to the appeal site following two bus stops, allowing two lanes of southbound traffic on the approach to the junction with Morley Street. The appeal site is therefore situated along a complex stretch of highway, particularly for vehicle users.
28. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
29. The communication hub on which the advertisement is to be displayed would be situated at the edge of the footpath at a busy part of the highway in terms of the general movement of buses, cyclists and other vehicle users negotiating the roundabout and junctions at this location. Its LED screen, which would span across almost the entire side panel of the kiosk, would be clearly visible from the road, especially during the hours of darkness in an area where drivers would need to take more care. The illuminated sign would be particularly visible for drivers and pedestrians travelling northward when passing under the bridge in reduced light where it would be a noticeable and strident feature ahead. It would also create a cumulative distraction for drivers and pedestrians travelling southward on the opposite side of the road on the approach to the Morley Street junction where it would be experienced alongside the busy taxi rank shop front in conjunction with the numerous illuminated displays present here. Accordingly, it could reduce the focus of highways users on the surrounding traffic and increase the collision risk.
30. Given the size of the advertisement display, its location, and its LED illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity when compared with the current advertisement at the site. As such, the proposal would negatively impact the safety of nearby vehicle users, pedestrians and cyclists. As such it would conflict with Policy CS14 of the Lewisham Local Development Framework Core Strategy Development Plan Document, June 2011.

Appeal D – Lewisham Shopping Centre Entrance

Visual amenity

31. The communication hub to which the proposal would be affixed would be located on Molesworth Street, outside the entrance to Lewisham Shopping Centre. The site

currently consists of a standalone, internally illuminated two-sided advertisement display on the public footpath. There are numerous elements of street furniture present in the vicinity of the site, to include bicycle parking, rubbish bins, road signs and traffic lights at the pedestrian crossing. A large static billboard display is located across the road.

32. The proposed advertisement would be proportionate to the structure on which it is located. It would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Nonetheless, the proposal would introduce a noticeable feature at the site. By nature of its LED illumination and changing images the advertisement would be an overtly modern addition to the footpath. While the existing advertisement at the site blends with the streetscene and does not unduly draw attention, the proposal would be a stark and incongruous feature, especially in the hours of darkness. It would appear particularly out of place when travelling southwards past the appeal site, where the advertisement would be experienced alongside the more traditional billboard across the street, highlighting the contemporary nature of the advert which would feel misplaced in this setting.
33. Furthermore, the cumulative impact of introducing the proposed advertisement display at the appeal site would result in a feeling of visual clutter along the immediate section of the footpath. While it would reduce the number of advertisements at the site from two to one, the bright LED display would add an imposing feature to the streetscape. When combined with the numerous elements of street furniture present in the vicinity of the location, the proposal would increase the busy and crowded feel of the immediate surrounds.
34. For the reasons set out above I find that the proposal would, by reason of its size, siting and illumination adversely affect the visual amenity of the character and appearance of the surrounding area. As such, it would conflict with Policies AM19, DM30 and DM35 of the Development Management Local Plan, November 2014.

Highway Safety

35. Molesworth Street is a busy main road. When travelling southward past the appeal site, the two lane highway reduces after the pedestrian crossing to one lane of traffic and a long lane of bus stands along the elevation of the shopping centre. In the other direction traffic lanes increase after the crossing from two to three, with a bicycle lane in the middle, before approaching the junction with the A20. The appeal site is therefore situated along a relatively complex stretch of highway, particularly for vehicle users.
36. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
37. The communication hub on which the advertisement is to be displayed would be situated at the edge of the footpath at a busy part of the highway in terms of

pedestrians crossing the street and the general movement of buses, cyclists and other vehicle users negotiating the junction at this location. Its LED screen, which would span across almost the entire side panel of the kiosk, would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Travelling southwards the advertisement would be visible just beyond a set of traffic lights, adjacent to the beginning of the long stretch of bus stands. It has the potential to distract drivers and pedestrians from traffic light changes and buses pulling out of stands into the highway, thereby increasing collision risk.

38. Given the size of the advertisement display, its location, and its LED illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity when compared with the current advertisement at the site. As such, the proposal would negatively impact the safety of nearby vehicle users, pedestrians and cyclists. As such it would conflict with Policy CS14 of the Lewisham Local Development Framework Core Strategy Development Plan Document, June 2011.

Appeal E – Outside 129 Lewisham High Street

Visual amenity

39. The communication hub to which the proposal would be affixed would be located on Lewisham High Street, outside the Santander Bank building. The site currently consists of a standalone, internally illuminated two-sided advertisement display on the public footpath. Along this section of Lewisham High Street there are a variety of buildings comprising a mixture of retail and commercial uses with associated modern fascia signs at ground floor level, including illuminated signage. Various elements of street furniture are also present within the immediate vicinity, comprising numerous road signs and lampposts situated along Lewisham High Street. A bus stop and another two-sided advertisement display are also visible from the appeal site.
40. The proposed advertisement would be proportionate to the structure on which it is located. It would not be flashing, intermittent in nature or feature any animation, and the illumination levels would be below the maximum recommended. Given the modern and illuminated nature of the various fascia signs along the frontages in this location, the proposed advertisement would not appear out of place or incongruous in the immediate area. From a design perspective it would blend in with the established streetscape and represent a coherent addition to the site.
41. However, the cumulative impact of introducing the proposed advertisement display at the appeal site would result in an unacceptable proliferation of advertisements having regard to the vibrant displays already present in the area. While it would reduce the number of advertisements at the site from two to one, the bright LED display would nonetheless noticeably add to visual clutter when experienced in the context of both the other signage in the location, particularly alongside the other illuminated displays present. This would increase the busy and distracting feel of the immediate section of the footpath from an advertisement perspective and have a negative impact on the immediate surrounds.
42. For this reason I find that the proposal would, by reason of its size, siting and illumination adversely affect the visual amenity of the character and appearance of the surrounding area. As such, it would conflict with Policies AM19, DM30 and DM35 of the Development Management Local Plan, November 2014.

Highway Safety

43. Lewisham Street is a busy main road. When travelling northwards past the appeal site it is lined with numerous road signs, including a no entry sign at the junction with Santander from which traffic exits onto Lewisham High Street. A further junction with Albion Way is situated on the opposite side of the road. The appeal site is therefore situated along a relatively complex stretch of highway, particularly for vehicle users, in a busy commercial area.
44. National Planning Practice Guidance (PPG) states that 'All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.' The PPG goes on to state that the main types of advertisements which may cause danger to road users are those that are illuminated and directly visible from the road which, because of their size or brightness, could result in glare or dazzle or distract road-users.
45. The communication hub on which the advertisement is to be displayed would be situated at the edge of the footpath at a busy part of the highway in terms of pedestrians crossing the street and the general movement of buses, cyclists and vehicle users negotiating the junction at this location. Its LED screen, which would span across almost the entire side panel of the kiosk, would be clearly visible from the road, particularly during the hours of darkness in an area where drivers would need to take more care. Exiting onto the main thoroughfare of Lewisham High Street, vehicle users would pass the advertisement just before reaching the junction, while highway users travelling along Lewisham High Street would also have a clear view of the proposal as they pass both the junction at Santander Bank, and the junction with Albion Way. It has the potential to distract drivers from both surrounding traffic movements but also pedestrians in a busy, commercial location, increasing collision risk. It also has the potential to distract pedestrians from surrounding traffic movements.
46. Given the size of the advertisement display, its location, and its LED illumination and changing display, it has the potential to cause increased distraction to highway users in the immediate proximity when compared with the current advertisement at the site. As such, the proposal would negatively impact the safety of nearby vehicle users, pedestrians and cyclists. As such it would conflict with Policy CS14 of the Lewisham Local Development Framework Core Strategy Development Plan Document, June 2011.

Other considerations

47. The appellant has made reference to other examples of similar advertisements in the area. However, each proposal is to be assessed on its own site specific circumstances and the characteristics of each location in these appeals is different in terms of the relationship with passing traffic or the nature of the location within which the advert would be sited.

Conclusion and Recommendation

48. For the reasons given above, I recommend that the appeals should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

49. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeals should be dismissed.

C Preston

INSPECTOR