



Appeal Decision

Site visits made on 3 and 4 February 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/C5690/Z/19/3236942

163 Sydenham Road, London SE26 5HB

- 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 Benjamin Porte of Clear Channel UK against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/113009 dated 9 July 2019, was refused by notice dated 9 September 2019.
 - The advertisement proposed is installation of a digital display measuring 6m by 3m.
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Decision

1. The appeal is allowed and express consent is granted for the installation of a digital display measuring 6m by 3m as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the following conditions:
 - 1) The intensity of the illumination of the display permitted by this consent shall be no greater than 600 cd/m² during daylight, and 300 cd/m² at night.
 - 2) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. The sequencing of messages relating to the same product is prohibited.
 - 3) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - 4) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the host building.

Reasons

3. The appeal site at No. 163 Sydenham Road (No. 163) comprises of a traditional Victorian three storey end-terrace property with commercial use at ground floor

and residential uses above within the Forest Hill Town Centre. The gable end is currently vacant, although was previously occupied by two non-illuminated advertisements each measuring 6m by 3m. The property is not listed nor within a Conservation Area. The appeal site is bordered by a single storey flat roofed commercial and garage premises to the west and as a result the upper parts of the side wall of the appeal property are visible along the road.

4. The neighbouring properties fronting onto Sydenham Road generally comprise of two and three-storey properties with ground floor commercial uses and a mix of residential and business uses above. I observed during site visits both during the daytime and at night-time, that there is a significant amount of signage in the area, some of which is illuminated. Two illuminated advertisements of a similar size to that proposed are currently displayed on the west and east-facing flank wall at first-floor level at Nos. 139-151 Sydenham Road immediately to the west of the appeal site. I noted that the area around the appeal site was lit by both the illuminated signage and street lights and there was some lighting from other sources including the nearby buildings.
5. The proposed advertisement would be positioned about 5.85m above ground level on the gable end of No. 163 at the junction of the Sydenham Road and Berryman's Lane. It would include a LED digital panel to the front, which would display static images in a sequence changing no more frequently than once every 10 seconds. Its brightness would be automatically controlled and would be a maximum of 300 candela/sqm during the hours of darkness.
6. Whilst the proposed advertisement would be visible over short distance as one approaches from the west along Sydenham Road, it is seen in the context of the existing lighting, illuminated signage and advertisements nearby. The advertisement would be without special effects and its night-time illumination would be in accordance with industry standards¹. Its physical separation from the other signs would help avoid any unacceptable cumulative effect.
7. Against this backdrop, the scale, form and design of the proposed advertisement would not appear significantly out of place or excessive in relation to the built form of the host building. Although I note the interest from the Sydenham Society in locally listing the host building, I have little substantive evidence before me from the Council or any other party to support this position. Consequently, against this background, in the absence of any other evidence to the contrary, I conclude that the proposal, subject to appropriate planning conditions, would not result in significant harm to the character nor the visual amenity of the host building.
8. In accordance with the Regulations, I have taken into account the provision of the development plan so far as it is material. The proposal would comply with DM Policy 19 of the Lewisham Development Management Local Plan 2014² which requires advertisements to be placed in locations where they will not adversely affect the amenity and character of an area. As the proposal would not have a negative impact on the local environment, it would not conflict with the National Planning Policy Framework (Paragraph 132).

¹ Institute of Lighting Professionals: The Brightness of Illuminated Advertisements PLG05 2015

² Lewisham Local Development Framework Development Management Local Plan 2014

Conditions

9. Having regard to the Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council and the appellant. In addition to the standard conditions from the Regulations, a condition limiting the luminance of the advertisement in accordance with the submitted specification is necessary in the interests of amenity and public safety. The conditions that would control the sequencing of advertisements, the prevention of special effects and the use of a default mechanism are necessary to prevent drivers from being distracted by the displays, in the interests of public safety.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR