The Planning Inspectorate

Appeal Decision

Site visit made on 10 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Appeal Ref: APP/C5690/Z/19/3240003
143 Malpas Road, London SE4 1BQ

- 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 Clear Channel against the decision of the Council of the London Borough of Lewisham.
- The application Ref DC/19/113342 dated 25 July 2019, was refused by notice dated 8 October 2019.
- The advertisement is described as upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster 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 Regulations and the following additional conditions:

   1) No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.

   2) The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing, a smooth instant change into the next static poster image, and the complete screen shall change. There shall be no visual effects including swiping or other animated transition methods between successive displays.

   3) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 300 candela per square metre.

   4) The sequential advertisement on any display panel shall not change more than once every ten seconds.

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. I have taken the address used on the appeal forms in the above header as it describes the location of the proposal more accurately than the address given on the application forms.

Main Issue

4. The main issue in the appeal is the effect of the development on the amenity of the appeal property and the local area.

Reasons for the Recommendation

5. The site is located at the corner of Malpas Road and Vulcan Road. The proposal is for an internally illuminated advertisement which would replace an existing 48 sheet advert located on the flank wall of No 143 Malpas Road; a two storey, end of terrace residential dwelling. The area is generally residential in nature, with terraced dwellings and blocks of flats in the immediate vicinity.

6. The proposed advert would be visible for a short period when travelling south on Malpas Road and not at all when travelling north. It would also front Vulcan Road, a quiet, closed end road with no vehicular access to Shardeloes Road.

7. Whilst I acknowledge that the area is mainly residential, Malpas Road is a busy B class road that connects the more commercial areas around Brockley train station to the south and Lewisham Way to the north and I therefore do not consider the proposal would be out of place in this context. On the basis of the evidence before me and my own observations, the existing advertisement display appears to have been in place for some time, and to be a well-established feature of this part of the street scene and the appeal property. There is no proposed change to the orientation, positioning or size of the advert nor are there any other illuminated adverts in the vicinity that would lead to a cumulative impact. I consider the difference between displaying a single advert in this location and a sequence of illuminated digital adverts, which includes no special effects, animation or movement, would not increase the prominence or visual clutter of the advert so as to have a materially harmful effect on the amenity of the appeal property or the area.

8. I have had regard to Policy 15 of the Core Strategy development plan document (Adopted June 2011) which seeks, amongst other things, to ensure development is sensitive to local context and responds to local character. I have also had regard to DM Policy 19, DM Policy 30 and DM Policy 35 of the Development Management Local Plan (Adopted 26 November 2014) and Policy 7.4 of the London Plan. Amongst other things, DM Policy 19 states that advertisements would be refused permission where they are considered to adversely affect amenity and character, DM Policy 35 requires that street signage harmonises with the street scene and is sited to minimise visual clutter, DM Policy 30 supports the creation of a positive relationship with the existing townscape and Policy 7.4 of the London Plan states that development should have regard to the form, function and structure of an area. As the advert would not harm amenity, it would not conflict with these policies or the National Planning Policy Framework.

Conditions

9. I have considered the conditions suggested by the appellant and the Council, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations. In the interests of public safety and amenity, I have imposed conditions controlling the content and level of illumination, sequencing and length of displays.

Conclusion and Recommendation

10. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR