



Appeal Decision

Site visit made on 25 February 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/A5840/Z/19/3242086

97 Rye Lane, London SE15 4TG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by the Burhani Trading Company against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/3004, dated 19 August 2019, was refused by notice dated 16 October 2019.
 - The advertisement proposed is display of shroud with replica of building façade and associated advertisement banners to front and side elevations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and the effect on occupiers of the building in respect of daylight into, and outlook from, the host building.

Reasons

3. As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), advertisements are subject to control in the interests of amenity and public safety. The National Planning Policy Framework (the Framework) states that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance (the PPG) says that, in assessing the effect on amenity, the local characteristics of the area should be taken into account.

Character and appearance

4. The appeal site is in Sub Area 1 – Rye Lane of the Rye Lane Peckham Conservation Area (the CA). I am required to pay special attention to the desirability of “preserving or enhancing the character or appearance” of a conservation area. The CA encompasses the commercial core of Peckham and is defined by its three principal roads: Peckham High Street, Peckham Hill Street and Rye Lane, and the staggered crossroads where they meet. It comprises a mix of 18th and 19th century properties in a variety of architectural styles, sizes, and materials. The area is predominantly commercial with shops, covered markets and arcades. As the main shopping street of the district, a role it has served since the late-19th century, Rye Lane is one of inner London’s ‘High Streets’ with a dense and varied urban landscape.

5. The appeal building is prominent on the corner of Rye Lane and the pedestrianised Moncrieff Street cul-de-sac. On the ground floor is a bank with associated fascia advertisements. The Peckhamplex Cinema is at the end of the cul-de-sac.
6. Policies 3.12, 3.15, 3.16 and 3.18 of the Southwark Plan 2007 (SP), together with Strategic Policy 12 of the Core Strategy 2011 (CS), all seek to preserve or enhance the character and appearance of Southwark's conservation areas. Policy 3.23 of the SP applies a criteria based approach. It allows for large shroud advertisements where they would make a positive contribution to the appearance of the site and surrounding area around construction sites on a temporary basis.
7. As a flat roofed building with a plain façade the appeal site does not positively contribute to the character and appearance of the CA. Indeed the CA Appraisal identifies opportunities to redevelop indifferent post World War II buildings, including No's 97-101 (odd) Rye Lane.
8. The proposed shroud would enclose the first and second floors. It would wrap around the two walls facing the roads. The maximum shroud dimensions would be some 35m long and 6.5m high. It would be attached to scaffolding needed to carry general maintenance and refurbishment works including repairs to window frames over a period of some twelve months. The PPG recognises that buildings which are being renovated 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. The advertisement banners would be some 6.5m by 23m and would obscure most of the details of the proposed shroud replica of the building façade. Due to their height, overall size and position, the advertisement banners would be unduly prominent in this corner location, rather than being read against other buildings further back. They would be over dominant and intrusive; would detract from the visual amenity of the area and would fail to preserve or enhance the character and appearance of the CA.
10. The proposal would serve to shield from public view the works which would be carried out. However, this would not outweigh the harm caused by such large advertisement banners and there may be other less harmful ways in which works could be shielded. Moreover, whilst the proposed works are indicated to last about 12 months, the application form states that consent is sought for a period of five years. Allowing the proposal could make it more difficult to resist other large advertisements above ground floor level, further detracting from the visual amenity of the area
11. The appeal site is located within a busy commercial area with the majority of advertisements associated with the retail and commercial uses being located at street level. Although there is large, high signage at the Peckhamplex Cinema this is well set back. It is therefore not as prominent as the appeal proposal. I did not see any other advertisements of a similar scale to that proposed on the upper floors of buildings nearby.
12. For the reasons set out above, I conclude that the appeal proposal would have a harmful effect on the visual amenity of the area and would not preserve the character and appearance of the CA. It would conflict with Policies 3.23, 3.12,

3.15, 3.16, 3.18 of the SP and Strategic Policy 12 of the CS which seek to protect the character and appearance of areas generally and of the CA in particular. The proposal would also conflict with the provisions of the Framework and the PPG in these respects.

Effect on occupiers of the building

13. The proposed shroud would cover the windows at first and second floor level. The delegated Officer Report states that there would be no loss of outlook or other amenity issues but the effect on daylight into, and outlook from, the host building is cited as a reason for refusal of the proposal.
14. The appellant indicates that the appeal building is in commercial use; that there is no living accommodation and that the upper floor windows do not serve any discernible office space. Whether or not that is the case at present, it seems probable that improvement works would be likely to result in productive use being made of the upper floors during the five year period for which consent is sought.
15. The advertisement panel would obscure daylight into, and outlook from, the windows at first and second floor which would be harmful to the amenity of any existing or future occupiers either living or working therein. Accordingly the proposal would conflict with Policy 3.2 of the SP which seeks to prevent a loss of amenity for existing and future occupiers to protect the quality of life for people living, or working in, or visiting the borough.

Conclusion

16. For the reasons set out above the appeal is dismissed.

S Harley

INSPECTOR