



Appeal Decision

Site visit made on 19 May 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/T5720/Z/20/3245831
60 Central Road, Morden SM4 5RP

- 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 Merton.
 - The application Ref 19/P3736, dated 4 November 2019, was refused by notice dated 24 December 2019.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the area.

Reasons

3. The Planning Practice Guidance (the PPG) states that the term "amenity" is not defined exhaustively in the Regulations and is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of a site for the display of advertisements, where residents or passers-by will be aware of the advertisement. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Given the nature of the proposal, it would not have an effect on aural amenity and so my consideration relates to its effect on visual amenity.
4. The appeal site contains an existing 48 sheet non-illuminated advertisement panel which is located on the side wall of No 60 Central Road at the end of a neighbourhood parade of shops. The wider area is predominantly residential in nature. According to the appellant, the existing advertisement has been in situ for a period in excess of 10 years and so benefits from deemed consent under Class 13 of the Regulations.
5. The proposal is to replace the existing advertisement panel with a digital poster, which would be the same or very similar in size and position. However, unlike the existing advertisement, it would have an internally illuminated display that would show static images on a 10 second rotation that would change instantly. Although there would be no flashing or moving images within each rotation, the illumination and changing images would mean that the visual

impact of the proposed advertisement would be significantly greater than the existing advertisement, and far more prominent than the low-level signage on the adjacent shopfronts. The proposed digital poster display would stand out as a prominent and incongruous feature in the predominantly residential area.

6. I acknowledge that the level of illumination could be controlled but even with low luminance settings, because of the frequently changing display and its height and scale, the advertisement would have an overstated commercial connotation. Whilst this might be appropriate in a town centre or commercial environment, it would be visually intrusive and out of place in this predominantly residential setting. Additional controls over illumination levels; display settings; and display hours would not therefore be enough to overcome the harm to visual amenity in this case.
7. In addition to concerns in relation to the visual amenities of the street scene, the Council states that the proposal would harm the amenities of the surrounding residential properties. In particular, the officer's report comments that the proposal would cause unacceptable light pollution to neighbouring properties in Buckfast Road and No 64 Central Road. Nevertheless, the levels of illumination could be controlled and given the distance maintained to the neighbouring properties I do not consider that the proposal would cause significant light pollution to neighbouring properties.
8. The proposed advertisement would not harm the setting of heritage assets and there is no substantive evidence before me to show that it would cause harm to public safety. However, the absence of harm in these respects carries neutral weight and would not alter my decision.
9. For the above reasons, I conclude that the proposed advertisement would be harmful to the visual amenities of the area. I have taken into account Policy DMD5 of the Merton Sites and Policies Plan and Policies Maps July 2014, which states that express consent will only be granted for advertisements where they do not harm the character of an area, amenity or public safety. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with this policy.

Conclusion

10. For the above reasons, having had regard to the relevant provisions of statute, the development plan, the approach in the National Planning Policy Framework, and to all other relevant material considerations, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR