
Appeal Decision

Site visit made on 15 September 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/H5960/Z/20/3253974

179 Battersea Park Road, London SW8 4LR

- 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 C/O Agent Mr Stuart Minty (SM Planning) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/5296, dated 24 February 2020, was refused by notice dated 21 April 2020.
 - The advertisement proposed is an illuminated banner.
-

Decision

1. The appeal is 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.

Preliminary Matter

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons for Recommendation

5. The appeal site comprises an imposing, attached four-storey building with a three-storey flank to the rear, with retail use at ground floor with residential accommodation above. It is locally listed situated at the northern tip of the Park Town Estate Conservation Area (CA), providing a gateway into the CA,

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

- along with its neighbour (No 177) and near to a Grade II listed railway bridge, beyond which is the Grade II listed Battersea Park Railway Station. A modern tower block provides a dominating backdrop when viewing the site to the east.
6. The surrounding area comprises a mix of commercial/retail premises and residential streets fronting the busy intersection of Battersea Park Road and Queenstown Road. The significance of the CA is derived from its planned layout with long terraces set in tight knit narrow plots, of varying heights with St Phillip Square and church as an important focal point. The northern part of the CA, where the appeal site is situated is dominated by railways, including railway bridges and the station.
 7. Amenity is not defined exhaustively in Regulations. It includes aural and visual amenity. Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest. Given the nature of the proposed advert only visual amenity would be at issue in this case.
 8. The proposed advertisement would be a large, two panelled, illuminated banner, formed over a mesh. It would shroud the upper floors of the four-storey element of the property and would be significantly larger than nearby advertisement material. Given the property's prominent location, I find that it would have an overly intrusive and dominating effect in the locality, resulting in an unbalancing commercial presence in an area characterised by period architecture and modest scale advertisements. In doing so it would harmfully alter the historic environment nearby, including the significance of the CA, the non-designated heritage asset upon which it would be located and the setting of the Grade II listed bridge. Accordingly, harm to the visual amenity of the area would occur as a result of the advertisement.
 9. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (Framework) highlights that the quality and character of places can suffer when advertisements are poorly sited and designed. Given my findings above, I find that the proposed advertisement would be harmful to the character of the area; it would not preserve or enhance the character or appearance of the CA.
 10. I note that the harmful effects would be likely to be temporary and the appellant's willingness to accept a condition limiting consent to a period of 8 months. However, this would still be a notable period, when the character of the area would be overwhelmed by an uncharacteristically large advert. As such a condition would not adequately address the harm identified. Moreover, whilst I appreciate that mesh would be likely to be installed around the scaffolding whilst works to the building was being undertaken, I find that such material would be unlikely to have the same harmful effect on the visual amenity of the area that I have identified.
 11. In light of the above, I conclude that the proposed advertisement would have a harmful effect on the visual amenity of the area. Consequently, the proposal would conflict with Policy DMS 8 of the Wandsworth Local Plan Development Management Policies Document 2016 (Local Plan) which states consent will be granted for advertisements and hoardings where they would not harm visual or

aural amenity or public safety. It would also be contrary to policies DMS1 and DMS2 of the Local Plan which, amongst other matters, require proposals to provide a high quality sustainable design that contributes positively to local spatial character, including the historic environment.

Other Matters

12. Matters relating to the content of adverts, economic growth, air quality benefits, and advert revenue funding environmental initiatives and restoration works of an historic asset, fall outside the scope of relevant Regulations and therefore have not been decisive in this case.
13. Other examples of similar adverts near period buildings and in prominent locations are noted. However, in all cases they are situated in areas some distance from the appeal site and as such are not directly comparable to the case before me. As such I attach limited weight to them in reaching this recommendation.

Conclusion and Recommendation

14. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR