The Planning Inspectorate

# Appeal Decision

Site visit made on 15 September 2020 by C Brennan BAE (Hons) M.PLAN MIPI

**Decision by Andrew Owen BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2020**

**Appeal Ref: APP/H5960/Z/20/3254607**
**61 Balham High Road, London SW12 9AW**

- 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 Daylite LED Media Ltd against the decision of the Council of the London Borough of Wandsworth.
- The application Ref P2020/0961, dated 12 March 2020, was refused by notice dated 13 May 2020.
- The advertisement proposed is a LED digital advertisement display.

## Decision

1. The appeal is allowed and express consent is granted for erection of an internally illuminated poster sign positioned on the flank wall at first floor level 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) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 400 candela per square metre during daylight hours and shall be no greater than 300 candela per square metre during evening/night time hours. The advertisement shall be equipped with a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

    2) Images displayed on the approved advertisement shall not change more frequently than once every 10 seconds.

    3) The advertisement shall not display any flashing, moving or apparently moving images, and the transition between advertisements must take no longer than one second.

## 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. The description of the proposal included within the decision notice is more precise and provides more information about the proposal than the description included on the application form. I have therefore used the description from the decision notice in the above decision.

## Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

## Reasons for the Recommendation

5. The appeal site accommodates a four-storey end-of-terrace property situated on the corner of Balham High Road and Ormeley Road; a predominantly commercial area. The flank wall of the appeal property is highly visible within views from the south. The shopfront of the ground-floor commercial unit features a considerable amount of glazing and so has a distinctly commercial and contemporary appearance. Shopfronts in the surrounding area are similarly contemporary but vary in their arrangement and proportions, with no sense of visual uniformity apparent between them.

6. Despite the fact that the advert would be in an elevated position compared to other adverts nearby, I do not consider that it would appear inappropriate given the markedly commercial nature of the area and the heterogenous, contemporary character of the street. For that reason also, it would not add clutter. Furthermore, as I saw during my site visit that there are other LED advertisement screens along Balham High Road to the south of the site, the proposal would not appear particularly incongruous or out-of-keeping within the streetscene. Moreover, due to its relatively modest size compared to the scale of the flank wall and its positioning within that wall, the proposal would not dominate the appearance of the appeal property. As such, the proposal would have a neutral effect on the character and appearance of the appeal property. While the proposal would appear eye-catching when seen from the street, its brightness could be controlled to ensure that it would never appear overtly obtrusive. I therefore consider that the proposal would have an acceptable effect on the amenity of the area.

7. As the proposal would be positioned on the western side of the flank wall close to the front façade of the appeal property, it would relate more directly to the commercial setting of Balham High Road than the residential character of Ormeley Road to the southeast.

8. For the above reasons, I conclude that the proposed advertisement would not cause harm to the amenity of the area. Insofar as they relate to amenity, I have taken into account Policies DMS1 and DMS8 of the Wandsworth Local Plan Development Management Policies Document 2016 (the DMPD), which state respectively, amongst other things, that development must contribute positively to local spatial character and that consent will be granted for advertisements where they would not harm visual amenity.

9. I have also taken paragraph 132 of the National Planning Policy Framework 2019 (the NPPF) into account, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

10. Given that I have concluded that the proposal would not be harmful to amenity, the proposal would be compliant with Policies DMS1 and DMS8 of the DMPD and paragraph 132 of the NPPF.

**Other Matters**

11. While the Council states that the proposal would encourage more advertisements within the immediate area, it is not obvious to me that this would be the case. Regardless, I have considered the proposal before me purely on its own merits, in the same way that any future adverts should.

**Conditions**

12. I have imposed the five standard conditions as set out in the Regulations.

13. To ensure that the proposal would not appear overly prominent and so unduly harm the amenity of the site and surrounding area, I have also imposed a condition restricting the brightness of the LED screen during daytime and night-time hours in line with the limits offered by the appellant.

14. I have also imposed a condition which requires that all displayed images shall be static, and that the transition between images must be almost instantaneous. This is to ensure that the advertisement would not be so overtly eye-catching that it would detract from the amenity of the site and surrounding area. For the same reason, I have also attached a condition which states that a displayed image shall remain on-screen for at least 10 seconds before changing to another. These also reflect the suggestions of the appellant.

**Conclusion and Recommendation**

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

*C Brennan*

APPEAL PLANNING OFFICER

**Inspector's Decision**

16. 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