



Appeal Decision

Site Visit made on 7 December 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020.

Appeal Ref: APP/A5840/Z/20/3256503

20 Upper Ground, LONDON, SE1 9PD

- 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 Sea Containers London against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1352, dated 13 May 2020, was refused by notice dated 1 July 2020.
 - The advertisement proposed is temporary vinyl graphic sign.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on visual amenity, including the setting of the nearby Old Barge House Alley Conservation Area.

Reasons

3. The appeal site comprises a large modern hotel building on the south bank of the River Thames, that is adjacent, but outside of the Old Barge House Alley Conservation Area (CA).
4. The proposed advertisement would measure 4.75m in height by 6m in width and be positioned at street level on the building's flank wall where it faces a wide area of the riverside walkway and the Oxo Tower Wharf building beyond. The advertisement would display the hotel's services and be finished in colours designed to attract customers approaching from the west along the riverside walkway and the south via the passageway off Barge House Street.
5. The surrounding area comprises a mix of primarily commercial uses within large buildings that face onto the Thames and the intervening riverside walkway. The busy walkway along with the hotel, nearby shops and eating/drinking establishments at Oxo Tower Wharf, create a vibrant ambience around the appeal site. Existing signage is largely modest and sensitively positioned on elevations.
6. The proposed advertisement would be adjacent to the CA and facing the Oxo Tower Wharf building, which largely defines the heritage asset's eastern boundary. The CA's special qualities include the former dockside warehouses and the historic wooden jetty projecting out into the Thames. Although the warehouse buildings have largely been refurbished, they still retain an

industrial appearance relating to the former docking industry, while having a dense arrangement close to the southern shore of the river.

7. The CA's setting includes the expansive foreground of the River Thames, the riverside walkway with its historic embankment wall and ornate street lights, open spaces around buildings and other mixed-use riverside buildings. The CA derives its significance in part from the continuity of tall buildings along the riverside. As one part of this frontage to the east, the appeal property's position within the setting of the CA makes a moderate contribution to the heritage asset's significance.
8. The appeal building itself has a modern design that contrasts with the historic former warehouse buildings within the CA. Its western flank elevation, upon which the proposed advertisement would be placed, has a sleek and uncluttered appearance characterised by a predominantly smooth rendered façade with contemporary glazing protruding from the corner of the building at first and second floor level. There is already a smaller sign at roughly the same location as the proposal, however, I have no details of whether this has received consent.
9. Framework paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. The proposed advertisement is of a scale that is substantially larger than the majority of signage in the area, while also located on a prominent part of the appeal building adjacent to the riverside walkway. Having an overall height of 4.75m above ground level and a busy appearance, the advertisement would be clearly visible in the CA when approaching from the west and south. It would also appear awkward projecting above the ground floor part of the building, while appearing blunt and overly vibrant on an otherwise unblemished façade, and in context with the adjacent ornate streetlights. The advertisement would result in an obtrusive feature because of the relative openness around the western elevation and it would result in an unsympathetic addition which would dominate the street scene at this corner of the appeal building.
11. The proposal is directly adjacent to the boundary of the CA and would be visible from within it along the busy riverside walkway and the wide passageway leading to Barge House Street. The introduction of a disproportionately large sign into an area where advertisements are generally modest in scale and sensitively located would be at odds with the established pattern of development and would fail to preserve or enhance the character and appearance of the CA. Consequently, it would also have a negative impact on the visual amenity of the area.
12. I note there is other signage in the vicinity, however, these are predominantly less prominent while being smaller in terms of their scale compared to the appeal proposal. Moreover, in the case of the adjacent Oxo Tower Wharf, signage is generally sympathetically displayed on the fabric of the building, for

example on columns and within the building's colonnade walkway. Whilst I note the large painted sign on the Oxo Tower Wharf's recessed western elevation, I have no evidence before me of this receiving consent.

13. The harm arising would be localised and would be less than substantial, nevertheless it is of considerable importance and weight. This harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use. The appellant has referred to the public benefit of the signage in increasing trade at the hotel which would in turn sustain the economic vitality of the premises, particularly during the Covid-19 pandemic. However, there would likely be less harmful means other than the proposed signage to increase footfall and trade at the appeal premises, and I attach limited weight to this argument. The proposal therefore would cause harm that is not justified or outweighed, as required by the Framework.
14. For the reasons given above, I find that the proposed scheme would harm the visual amenity of the area including the setting of the nearby CA. The provisions of the development plan, insofar as they are relevant, have been considered. Since the proposed advertisement would harm the visual amenity of the area and the setting of the CA, the scheme would not meet with the aims of Saved Policy 3.18 of the Southwark Plan (2007) (the Local Plan), which amongst other things, requires proposals to preserve the setting of conservation areas. Although not specifically referred to in the Council's refusal reason, the proposal would also conflict with Policy 3.23 of the Local Plan, insofar as it requires advertisements to be appropriate within the context of the site and area. The proposal would also fail to accord with the provisions of the Framework, previously referred to.

Other Matters

15. I acknowledge that the signage would not be long-lasting given the limited time period for display that would be permitted by an advertisement consent. Nevertheless, it would still have an incongruous presence during this period that would harm the setting of the CA as well as the appearance of the appeal building. I therefore attach limited weight to this argument.
16. Whilst the appellant has reduced the dimensions of the proposed signage during the course of the application, this does not address my concerns or outweigh the harm I have identified. Moreover, even though the case officer may have supported the proposal, the Council ultimately refused consent.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR