



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: 23rd December 2020

Appeal Ref: APP/A5840/Z/20/3257302

88A Tooley Street, London SE1 2TF

- 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 Global Street Art against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1105, dated 16 April 2020, was refused by notice dated 12 June 2020.
 - The advertisement proposed is use of flank wall of building for display of murals.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises the rendered flank wall of the 4-storey building at 88A Tooley Street. The flank wall faces Bermondsey Street and a small public plaza containing seating, bike storage and landscaping. The nearby cafes and restaurants within the arches of the expansive railway viaduct face onto the plaza. These together with the surrounding offices, retail and residential uses combine to create a busy and vibrant area close to the entrance of London Bridge Station.
4. The appeal site is located within the Tooley Street Conservation Area (TSCA), which comprises a tightly defined riverside area incorporating modern and historic buildings hemmed in by London Bridge, Tower Bridge and its approach, and the railway viaduct into London Bridge Station. The significance of the TSCA, insofar as it relates to this proposal, is derived from the sense of enclosure around the appeal site created by the expansive railway viaduct, and the finer architectural detailing of the traditional four storey buildings opposite, near the corner of Bermondsey Street and Tooley Street. These special qualities can be appreciated from a short section of Bermondsey Street, the public plaza in front of the appeal site and from nearby buildings.
5. The proposal would cover the plain rendered surface of the appeal building's flank wall with a hand painted advertisement that would be periodically changed and be re-painted. No details have been provided of the advertisement's imagery, colour, text or company branding, given that this would be changed over time. The mural would cover an area of some 11m in width by 12.5m in height.

6. I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering the grant of express consent. In accordance with the advice in paragraph 193 of the National Planning Policy Framework (the Framework), I attach great weight to the conservation of heritage assets.
7. The proposal would cover an expansive area and be substantial in height. An advertisement of this scale would have a dominant and overpowering impact on the public plaza, Bermondsey Street and from within surrounding buildings that have an outlook towards it. The appeal building's relatively solitary and central position between the railway viaduct and Bermondsey Street frontage would draw the eye to the proposal's prominence, and consequently detract adversely from the appearance of those adjacent frontages, which contribute towards the special features of the TSCA. The proposal would therefore be harmful in this respect.
8. There are other advertisements close by on the café and restaurant frontages within the railway viaduct arches, as well as a fascia sign above the ground floor of the restaurant on the corner of Bermondsey Street. Yet these cover a much smaller area compared to the proposed advertisement, and on this basis the proposal would be inconsistent with the scale of existing signage thus adding to the incongruous presence it would have on the area.
9. The appellant has suggested a condition to limit the advertising on the mural (i.e. logos / or 'copy' text) to 6% of its total area. Given the scale of the proposed mural this would still be a large area for advertising. Nevertheless, the remaining area of the mural could convey imagery, colours or a design other than logos or copy text that could still be identifiable as advertising or have an association with the corporate brand or company that would be displayed. The suggested condition would therefore not be able to control the content of the whole mural and in this respect, it would not overcome my concerns.
10. In relation to the Framework the harm arising would be relatively localised in the context of the wider TSCA 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 social and economic benefits of murals and street art in the urban environment. These public benefits are acknowledged, however, the mural in this case would have a direct association with advertising, and there would likely be other less harmful means to communicate such messaging. I attach limited weight to the appellant's case, and consequently the proposal would cause harm that is not justified or outweighed, as required by the Framework.
11. As a result, the proposed advertisement would not preserve or enhance the character or appearance of the Conservation Area and would have an appreciable adverse effect on the area's visual amenity.
12. The Council's refusal notice has referred to Policies 3.2, 3.18 and 3.23 of the Southwark Plan 2007. These amongst other considerations will favour decisions that result in no loss of amenity, preserve or enhance the Borough's conservation areas and are an integral and unobtrusive part of the character

and appearance of the site and surrounding area. The proposal would fail to accord with these material considerations, while also conflicting with the Framework, where it refers to design and the historic environment.

Other Matters

13. Whilst I acknowledge the Framework's requirement that proposals should promote competitive town centre environments and decisions should support vitality and viability, I consider there are less harmful means of doing this other than the proposed advertisement.
14. The appellant has referred to a 'fallback' position whereby painting a mural on the flank wall of the appeal building would not require consent. However, an advertisement, as in this case, would in my view, differ as it would likely incorporate logos, brand colours and/or subjects aligned with the name or purpose of the business or commercial event on display.
15. I have no reason to dispute the broad content and reasoning in the decision¹ the appellant has referred to. However, it bears little similarity to the appeal I am dealing with, as it relates to a different site and the Inspector had the benefit of assessing the mural in situ in that case. Furthermore, I have not been presented with all the details that relate to that appeal so I cannot be certain that the circumstances are the same. Besides I have considered the appeal proposal on its own merits.
16. Although there are listed buildings in the vicinity mentioned by the parties, including the adjoining public house that faces Tooley Street, the dense urban environment and intervening buildings mean that the proposal would have little if any appreciable effect on the visual amenity of their setting.

Conclusion

17. For the reasons given above, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

R E Jones

INSPECTOR

¹ APP/X5210/C/14/2221240