



Appeal Decision

Site visit made on 23 November 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: 18 January 2021

Appeal Ref: APP/C5690/Z/20/3257910

386 New Cross Road, London SE14 6AG

- 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 Lewisham.
 - The application Ref DC/20/115459, dated 27 January 2020, was refused by notice dated 6 July 2020.
 - The advertisement proposed is replacement of existing internally illuminated advertisement with smaller LED digital advertisement.
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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.

Procedural Matters

3. The Council and Transport for London (TfL) both assert that the existing illuminated advertisement was installed without consent. The appellant states that the advertisement benefits from deemed consent. Irrespective of the status of the existing advertisement, I consider that I can assess the proposal before me on its own merits.

Main Issues

4. The main issues are:
 - i) the effect of the proposed advertisement on public safety.
 - ii) the effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

Public Safety

5. The appeal site accommodates a two-storey, end-of-terrace property with lower ground floor level situated on the corner of New Cross Road and Amersham Road. During my site visit, I saw that the junction was particularly busy. The flank wall of the appeal property is highly visible within long views along New Cross Road from the east.
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6. As vehicles travelling along New Cross Road from the east turn south at the junction onto Amersham Road, they would merge with traffic that has approached from the west on New Cross Road and which has also turned south onto Amersham Road. There is also a loading bay and then a disabled parking bay on the eastern side of Amersham Road adjacent to the Amersham Arms public house.
7. The proposed advert would be positioned at first floor level directly in front of cars approaching from the east at the point that the traffic from the west merges with them. Although I accept the existing advert is illuminated and that this is a commercial area generally, I consider the advert, particularly when changing images, would be a significant visual distraction at a safety critical point of this busy junction. The appellant's offer for the sign to be controlled so that a displayed image would remain on screen for at least 30 seconds before changing to another, (which is a longer interval that is commonly seen) would not mitigate the distracting effect of the advert.
8. The proposal would be relatively small, and smaller than the existing advert. However, that would mean that drivers would not be able to clearly see the advert from a distance and so not have time to absorb it before reaching the junction. They would only be likely to appreciate the sign at, or close to, the junction at a point when their concentration would need to be fully on the road, not on a sign above it. Overall, the proposal would be harmful to highway safety.
9. The parties disagree as to the safety of the junction at present. The Council suggest there have been a number of accidents; the appellant argues there is no evidence the existing advert has led to any safety issues. Either way, as the proposal would be materially different to the existing advert, I do not consider this previous safety record of this junction would be instructive.
10. Vehicles may be briefly held at a red light at the pedestrian crossing before proceeding, during which time pedestrians can safely cross the junction. I do not therefore consider that the proposal would necessarily unduly compromise pedestrian safety.
11. Nevertheless, for the above reasons, I conclude that the proposed advertisement would be harmful to public safety. Insofar as they relate to public safety, I have taken into account Paragraph 109 of the National Planning Policy Framework (the NPPF), which states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I have also taken into account DM Policy 35 of the Development Management Local Plan 2014 (the DMLP), which states that public spaces should be designed to be safe. Given that I have concluded that the proposal would be harmful to public safety, the proposal would conflict with them.

Visual Amenity

12. While Amersham Road to the south is predominantly residential, New Cross Road has a strongly commercial character which features some residential elements. Given the predominantly commercial nature of the area, the proposed advertisement would not appear particularly out-of-place. Furthermore, due to its modest size and positioning within the flank wall, the proposal would neither dominate the appearance of the appeal property nor

detract from the commercial character of New Cross Road as seen by road users approaching from the east. Moreover, due to its siting on the far northern side of Amersham Road, adjacent to the busy junction with New Cross Road, the proposal would not undermine the residential character of Amersham Road as a whole.

13. In addition, the provision of a single advert would not introduce any undue sense of visual clutter to the streetscene, nor would it appear overtly bright during night time hours. It would therefore be acceptable in terms of its effect on visual amenity.
14. For the above reasons, I conclude that the proposed advertisement would not be harmful to visual amenity. Insofar as they relate to visual amenity, I have taken into account Paragraph 132 of the NPPF, which states that the quality of places can suffer when advertisements are poorly sited and designed. I have also taken into account Policy 7.5 of the London Plan (2016) and DM Policy 30 and DM Policy 35 of the DMLP, which broadly require that public spaces should incorporate the highest quality of design and that design responses should relate positively to the existing townscape. Given that I have concluded that the proposal would not be harmful to visual amenity, the proposal would comply with them.

Other matters

15. I acknowledge the environmental benefits of the proposed sign over the existing advert, and that advertising is part of a healthy economy. However, as advertisements can only be assessed in respect of amenity and public safety, such considerations have no bearing on this appeal. The lack of objection from any neighbours also does not carry positive weight.

Conclusion and Recommendation

16. Although the proposal would not harm amenity, this is outweighed by the harmful impact on public safety. As such, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR