
Appeal Decision

Site visit made on 1 February 2021

by **Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2021

Appeal Ref: APP/A5840/Z/20/3251554

Town Hall Chambers, 32-34 Borough High Street, London SE1 1XU

- 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 Town Hall Chambers Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/0084, dated 10 January 2020, was refused by notice dated 5 March 2020.
 - The advertisement proposed is for the display of temporary scaffold shroud (15m x 38.5m) with a static advertisement inset (on south elevation) measuring 9.7m x 7.5m for a period to November 2020.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the advertisement in both the application and decision notice included an end date for its display of November 2020. Due to Covid19 problems, this end date has passed without commencement of building works associated with the building's renovation. The advertisement and its associated paraphernalia will be required for the duration of the refurbishment works, which has been estimated as being 6 months. A condition is suggested by the appellant to cover this period and to avoid the difficulties of applying a precise end date for display. I deal with this issue later in the appeal.
3. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In refusing the application, the Council states that the advertisement would harm the character and appearance of the of the Borough High Street Conservation Area (the Conservation Area).
4. The statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This duty applies in advertisement appeals insofar as it relates to the consideration of amenity.

Main Issue

5. The Council raises no issue in respect of public safety and, having assessed the proposal, I have no reason to disagree. The main issue is therefore the effect

of the temporary advertisement display on the visual amenity of the listed building and the Conservation Area.

Reasons

6. Town Hall Chambers is a grade II listed building that occupies an island and therefore prominent position between Borough High Street and Southwark Street. The appeal building is four storeys high plus attic and finished in yellow London stock brick with ornate and highly decorative Portland stone dressings under a slate roof. A small triangular public space occupies the southern tip between the two roads, which is occupied by The Saviour's Southwark War Memorial comprising a bronze soldier in battledress and rifle on top of a tall Portland stone plinth with bronze reliefs.
7. The appeal site is located within the Borough High Street Conservation Area, the significance of which is derived from its great diversity of buildings but consistency in terms of character derived from their medieval burgrave plot arrangement resulting in generally tall narrow buildings. The immediate location of the appeal building is characterised by the predominance of large-scale buildings with commercial frontages. Whilst advertising is a common and prominent feature in the area, existing advertisements tend to be positioned at fascia level above the ground-floor windows and shop fronts. Advertising signage above this level is rare. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The proposal involves the temporary installation, for a period of six months, of a scaffold which would wrap around the entire building with a 1:1 scale image of the building printed to a wrap shroud that would be in place during external refurbishment works. The shroud would include one inset externally illuminated static banner to the south facing elevation in a portrait arrangement, at first, second and third floor levels. The inset advertisement would be prominently sited facing towards the war memorial and public space. It would be highly visible from relatively long-range views along Borough High Street from St George the Martyr's Church looking north. Despite the vibrant location, the advertisement would stand-out as there are no other similar features in the vicinity.
9. The advertisement would be positioned on a building that makes a positive contribution to the street scene. Although the building would be hidden during the refurbishment works, and its positive impact would be negated, the building forms part of a larger group which has collective value. The advert would appear highly incongruous in the context of the other buildings in the group, which would not be hidden by the shroud, and it would detract from their value as buildings of merit or as in the case of the appeal building, a landmark building.
10. That said, I consider there would be some amenity benefit arising from the imprinted wrap shroud and it would be preferable to the bland and featureless shrouds normally used in such circumstances and which would probably be used should the appeal be dismissed. I also recognise that this is a vibrant commercial area with the building framed by tall buildings of the London skyline at closer views of and from the appeal property. However, the building is prominent, acts as a focal point within the island formed by the two highways and fronts a public space where people congregate. I consider that

the harm to the amenity of the area resulting from the location, orientation, siting and lack of other similarly large commercial advertisements in the immediate vicinity would outweigh the benefits that would accrue from the shroud, even for the temporary period sought by the proposal.

11. I acknowledge that the appellant intends to undertake quality refurbishment works of a listed building over a short period thereby investing in the building and ultimately improving the appearance of the wider Conservation Area. I have also noted the photographic evidence of this method of advertisement on other buildings both in London and nationwide including on other landmark buildings. However, I am not persuaded that the arguments advanced by the appellant justify the scheme in this particular locality, for the reasons given above.
12. I accept that costs of the works of refurbishment to a listed building would provide additional justification for revenue generation from the appeal scheme. However, I must discount this benefit as such matter would have little bearing on my decision, which is confined to considerations of amenity and public safety.
13. Both the Council and the appellant has sought to justify any harm against the public benefits, in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), with conflicting conclusions drawn. However, while the designated heritage assets are a relevant consideration when considering the effect on amenity, I am not obliged to consider the policy of the Framework in the determination of an advertisement consent appeal.
14. I accept that the Planning Practice Guidance (PPG) indicates that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building¹. However, the fact that they require express consent means that large scale advertisements that occupy the equivalent of three storeys may not be appropriate in all circumstances.
15. Consequently, the proposal would appear intrusive and out of keeping and would thereby fail to preserve the character and appearance of the Conservation Area. As such it would be contrary to paragraph 192 of the Framework. I have taken into account Saved Policies 3.23 'Outdoor advertisements and signage', 3.12 'Quality in Design', 3.15 'Conservation of the Historic Environment' 3.16 'Conservation Areas' and 3.18 'Setting of Listed Buildings, Conservation Areas and World Heritage Sites' of the Southwark Plan 2007, and Strategic Policy 12 'Design and Conservation' of the Southwark Core Strategy 2011 insofar as they seek to protect amenity. Given that I have concluded that the proposal would harm amenity, the proposal would conflict with amenity aspects of these policies.

Other matters

16. The council has indicated that the settings of other heritage assets including "up to 10 listed buildings" would be harmed by the proposal. They do not expand further on which listed buildings would be affected or in what way.

¹ Paragraph: 005 Reference ID: 18b-005-20140306

During my site visit I was able to identify those listed buildings in the immediate vicinity of the appeal site and in my assessment, I did not find that such an advertisement would harm the settings of those buildings, including the war memorial, which are already situated in a highly vibrant commercial area. I am therefore satisfied that the statutory duties placed upon me under section 66 of the 1990 Act have been discharged.

17. The appellant suggested a suitable condition to overcome the issues arising from the application description and repeated in the Council's decision notice. However, as I am dismissing the appeal on the substantive issues, I need not consider this matter further.

Conclusion

18. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Gareth W Thomas

INSPECTOR