The Planning Inspectorate

Appeal Decision

Site visit made on 10 August 2021 by Max Webb BA (Hons)

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/H5960/Z/21/3276398
Land on the Corner of Nine Elms Lane and William Henry Walk SW8 5DE

- 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 Harlech Sites Ltd against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2021/0283, dated 21 January 2021, was refused by notice dated 16 April 2021.
- The advertisement proposed is a freestanding digital advertising display (3.2m x 5.76m).

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 Matter

3. The address used in the above header has been taken from the Council's decision notice as it describes the location of the advertisement more accurately than the address given on the application form.

4. Consent was granted for the proposed advertisement in 2017 for a period of 3 years but has since expired. The advertisement remains in situ however and is sought for retention with no material changes to the structure or nature of the display. I have therefore considered the appeal on the basis that the advertisement is already in place.

5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

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

Reasons

7. The Advertisement Regulations set out that the display of advertisements can only be controlled in the interests of amenity and public safety, taking into account the provisions of the development plan, insofar as they are material, and any other relevant factors. In assessing amenity, which includes visual amenity, the Planning Practice Guidance sets out that the local characteristics of the neighbourhood would always be considered.

8. The appeal site is located on the edge of an area of public open space opposite a large new building with a supermarket at ground level. The open space forms a welcome green gap between substantial built development in an area where the Council has identified a lack of green space. It is also the entrance to a section of the Thames Path Riverside Walk. The open space is therefore an important part of the public realm and makes a significant, positive contribution to the visual amenity of the area. There were a few large advertisements in the vicinity of the appeal site, however these were hoardings around construction sites and as such will not be permanent features in the street scene.

9. At the time the advertisement was granted consent, the new building opposite was largely complete, but substantial building works were still ongoing in the area and other large advertisements were present. The evidence before me is that in granting consent for only 3 years, the Council took into account the substantial changes known to be coming forward in the area over that period, and the likely changes to the street scene as a result. Now much of the building work has been completed, there are significantly fewer hoardings with associated large-scale advertisements in the immediate vicinity of the appeal site than when the temporary consent as granted. The area has also benefitted from considerable investment in the public realm, with ongoing objectives to improve the character and quality of the Thames Path, including through provision of high-quality green spaces along its length. Some development in the area is still ongoing, nevertheless the context of the appeal site has already materially changed from when the consent was granted.

10. The advertisement is smaller than the surrounding buildings but still of considerable size, particularly in relation to the trees immediately behind it. The blank rear of the advertisement is not particularly visible when the trees are in leaf, however the illuminated face is very noticeable when approaching it, as it is the only advertisement of its type and size in this section of the street and is seen against a green backdrop. Despite utilising a modern design that may fit the architecture of the wider area, it appears conspicuous due to its positioning on the corner of this green open space, unrelated to any other structure and without any similar advertisements in the area.

11. Whilst the building opposite has a commercial character, this is only at ground floor level. The illuminated signage on this building clearly relates to the supermarket occupying it and is of limited scale in relation to the surrounding windows, integrating well with that building. As such, it is markedly different to the appeal scheme. Consequently, the appeal advertisement has not assimilated into this altered street scene and appears as an incongruous and discordant feature.

12. The advertisement does not prevent use of the open space, however due to its size and position it obscures some of the trees and greenery at the entrance to

this area. As such, it appears as a prominent and obtrusive feature which harms the green and open character of this area and detracts from the quality of the public realm. Additional planting around the base of the proposal or landscaping nearby would not diminish this harm to an acceptable level.

13. The open space is itself a clearly identifiable feature in the street scene, therefore, the advertisement does not provide any material benefit in terms of wayfaring. Nor, given the mixed-use nature of the area, is there any substantive evidence before me that it has any security benefit during the night. While there has been signage in this location for several years, this does not justify the harm identified in the current context of the site, nor does the potential for other buildings to have advertising in the future, as there is no evidence before me that any such consents have been granted.

14. Other advertisements have been referenced in the Wandsworth and Vauxhall areas, such as those located at East Hill, Roehampton, Wandsworth Roundabout and Wandsworth Bridge, however these are all seen in different contexts to that of the appeal advertisement and are therefore not directly comparable. In any case, each scheme must be considered on its individual merits, having regard to local characteristics.

15. Consequently, the advertisement harms the visual amenity of the area and would continue to do so if retained. I have taken into account Policy DMS8 of the Wandsworth Local Plan Development Management Policies Document (2016) which only allows advertisements where they would not harm visual or aural amenity or public safety, in accordance with national policy and guidance. Given that I have concluded the proposal would harm visual amenity, it would therefore conflict with this Policy.

16. The Council's decision also refers to Local Plan Policies DMO1 and DMS1, however these relate specifically to development. Advertisements are not development in planning terms, therefore these Policies are not material factors in this advertisement appeal.

Other Matters

17. The advertisement is located on Council-owned land and the appellant suggests it could terminate the lease of land at the end of the term, so the planning process is not required to remove it. Nevertheless, an application to retain it has been made and land ownership does not change the relevant considerations in this appeal. Limiting consent for the advertisement to March 2026 to coincide with the end of the lease, or for a shorter period until surrounding development is completed, would allow the harm to amenity to be reversed at the end of the specified period. However, it would not reduce the harm it would cause during the intervening years and therefore would not make the advertisement acceptable.

18. The appellant also suggests the advertisement generates important revenue for the Council to provide front-line services, however it is a single advertisement and it has not been demonstrated that those services could not be provided without that revenue stream. While it could be used to display emergency messages or non-commercial campaigns, there is no mechanism before me to secure this. I therefore give these factors limited weight and they do not outweigh the harm to the visual amenity of the area.

19. The fact that the advertisement is located far enough away from any residential dwellings to not cause harm to the resident's amenity, and the fact there were few objections to the scheme, does not diminish the harm that I have found to the visual amenity of the surrounding area.

20. The Council has concluded that the advertisement would be acceptable in terms of public safety. The advertisement is located on a relatively uncomplicated section of road and, although angled towards road users, is positioned so as not to cause unacceptable levels of distraction to road users or pedestrians. I therefore have no reason to disagree with the Council's conclusion on this matter. This, however, would not mitigate or outweigh the harm to amenity that I have identified.

Recommendation

21. For the reasons given above I recommend that the appeal is dismissed.

Max Webb
Appeal Planning Officer

Inspector's Decision

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

L McKay

INSPECTOR