

Appeal Decision

Site visit made on 16 November 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/C5690/Z/21/3280753

261 New Cross Road, London SE14 5UP

- 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 Wildstone Estates against the decision of the London Borough of Lewisham.
 - The application Ref DC/21/120700, dated 3 March 2021, was refused by notice dated 16 June 2021.
 - The advertisement proposed is the upgrade of an existing 48 sheet advertisement to support a digital poster.
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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 Matter

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that no party would be disadvantaged by my reference to the revised Framework.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
5. The Planning Practice Guidance (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Main Issue

6. The Council has concluded that the advertisement would be acceptable in terms of public safety and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

7. The appeal site is situated within the Hatcham Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The site is located on a prominent corner along New Cross Road, a busy commercial area with a high volume of traffic and pedestrians. The site is a flank wall of a large, three-storey building with ground floor commercial use; the wall accommodates an existing non-digital advertisement positioned at a significant height. The surrounding area has mixed uses, including local shops, large retail stores, a petrol station and residential buildings. There are a variety of illuminated and non-illuminated advertisements in the area, including a large free-standing advertisement in front of the appeal site. There appears to be a limited number of digital advertisements in this area.
8. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, local characteristics of the neighbourhood would always be considered for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, whether it is in scale and in keeping with these features.
9. The proposal would result in the replacement of the existing advertisement at this site with a digital display of a similar size. The digital display would also be positioned in the same place as the existing advertisement. The digital advertisement would display changing static images at regular time intervals.
10. Although this may be an established location for advertising, there is not a significant precedent for digital advertising in this area and so the proposed digital display would appear out of keeping in this context. While the size and positioning of the proposed display would be very similar to the existing advertisement at this site, the proposal would be materially different by virtue of its digital illumination and ability to show changing static images. The frequent changing of images would attract greater attention and introduce a new form of advertising that would not preserve the character of the area. The display's harm would be further exacerbated by its significant height and prominence within the area.
11. The appellant has stated that the proposal would have a positive effect on the visual amenity of the area through upgrading the existing advertisement to a digital display. However, for the reasons above, the introduction of a new form of advertising to this area would result in harm to its wider visual amenity.
12. Given the above, the proposal would result in unacceptable harm to the visual amenity of the area. It would therefore be contrary to The Core Strategy, adopted June 2011, specifically Policy 15 which seeks to ensure all development responds to local character and Policy 16 which seeks to ensure that conservation areas are enhanced and conserved. There would also be conflict with the Development Management Local Plan, adopted November 2014, specifically DM Policy 30 which seeks to ensure all development proposals attain a high standard of design, including through creating a positive relationship to the existing townscape. Additionally, there would be conflict with DM Policy 35 which seeks to ensure public spaces are attractive

and DM Policy 36 which seeks to prevent development in conservation areas that is incompatible with the characteristics of the area. DM Policy 27 seeks to protect local character and residential amenity from light pollution and nuisance, the appeal scheme would not conflict with this Policy, however the lack of conflict with this policy would not outweigh the harm identified above. Although the title of DM Policy 19 refers to shopfronts, signs and hoardings, the substance of this Policy refers to shopfronts and so it is not related to the nature of the appeal scheme. There would be further conflict with The London Plan, adopted March 2021, specifically Policy D8 which seeks development that ensures the public realm is attractive and related to the local context, and Policy HC1 which seeks to ensure development affecting heritage assets conserves their significance.

Other Matters

13. The appellant has suggested a number of environmental and economic benefits that would arise from the installation of the proposed display at this site. However, the benefits arising from a single advertisement, such as the appeal scheme, would not outweigh the significant harm to amenity identified above.
14. The appellant has expressed a willingness to accept conditions that would further restrict the luminance of the advertisement. However, this would not be sufficient to outweigh the harm to the visual amenity of the area.

Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR