

Appeal Decision

Site visit made on 16 November 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/N5660/Z/21/3280386

253 Brixton Road, London SW9 6LH

- 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 London Borough of Lambeth.
 - The application Ref 21/01592/ADV, dated 21 April 2021, was refused by notice dated 16 June 2021.
 - The advertisement proposed is the replacement of an existing advertisement with a new LED digital advertisement of a smaller size.
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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 Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst regard has been had to the revised national policy as a material consideration in the decision-making process, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.
4. The Lambeth Local Plan 2020–2035 (LLP20) was adopted on 22 September 2021. The application was originally assessed during the draft stage of this plan, and the LLP20 Policies relevant to the refusal of the development were included in the decision notice. The substance of these Policies remained the same upon the adoption of the LLP20. This advertisement must be considered with regard to the adopted development plan, however, for the above reasons, there is no requirement to seek further submissions on the new local plan.

Main Issue

5. The main issue is the effect of the advertisement on the amenity of the area including whether it would preserve or enhance the character or appearance of the Brixton Road Conservation Area.

Reasons for the Recommendation

6. The Town and Country Planning (Control of Advertisement) (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.
7. The Planning Practice Guidance 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.
8. The site is located within the Brixton Road Conservation Area (CA). The Brixton Road & Angell Town Conservation Area Character Statement notes a number of historically characterful buildings in the area. Across from the site, on the western side of Brixton Road, there is a row of ground-floor commercial premises. The existing advertisement is most closely associated with the buildings on the eastern side of Brixton Road, which have a residential appearance. The vast majority of advertisements in the area are limited to shopfronts. The buildings behind the existing advertisement contribute positively to the CA.
9. The commercial character of the advertisement would relate poorly to its surroundings and detract from the character and appearance of the CA and the residential buildings with which it is associated. The illumination of the sign, and its rotation of images, would further exacerbate the harm that would arise. Despite its limited size, and irrespective of the conditions which have been suggested to control the advertisement, harm would still arise.
10. The proposed advertisement would replace an existing advertisement currently present on the site. The Council is clear, in both Policy Q17 of the LLP20 and The Advertisements & Signage Guidance (SPD), about its intention to remove advertisements where they are considered to harm amenity, particularly in conservation areas and when in close proximity to residential property. Furthermore, an image of what appears to be the advertisement that currently exists on the site is used as an example in the SPD of what should be avoided. The relevance of the existing advertisement as a form of precedent is therefore very limited, and it would not justify the harm that would arise from the proposal. The LED display further to the south does not form an integral part of the character of the area, and an additional advertisement of a similar nature would in any case result in unacceptable cumulative harm.
11. Policy Q17 of the LLP20 seeks to ensure advertisements contribute positively to the local street scene and do not diminish the setting or significance of heritage assets. For the reasons above, the advertisement would not align with the aims of Policy Q17 of the LLP20. Policies Q2, Q5, Q6, and Q22 of the LLP20 set out the criteria to be met for development to be acceptable. Although not determinative, the advertisement would fail to align with the overarching objectives of these Policies.
12. The SPD suggests that advertisements which are damaging to the character and appearance of individual buildings, streets, or areas should be avoided.

Additionally, it suggests that advertisements which fail to preserve or enhance the character or appearance of a conservation area will be resisted. For the reasons above, the advertisement would not align with the guidance provided in the SPD.

For these reasons, the proposed advertisement would harm visual amenity and fail to preserve or enhance the character or appearance of the Brixton Road Conservation Area and would be contrary to the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

13. The Council have found no issue relating to public safety. The degree to which the advertisement could distract drivers and result in harm to public safety would be insignificant. As such, the same view is reached in this recommendation.
14. Although a digital advertisement could use less energy overall than a non-digital advertisement, this would not mitigate the harm that would arise. Providing advertising space for local businesses, and the contribution made to supporting retail activity would together hold minimal weight. This would not outweigh the harm that would arise.

Conclusion and Recommendation

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

C Glaister

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