



Appeal Decision

Site visit made on 6 December 2021

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

Appeal Ref: APP/T5720/H/21/3270284

120 The Broadway, London SW19 1RH

- 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 Prudential UK Real Estate Limited Partnership against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P3749, dated 17 November 2020, was refused by notice dated 14 January 2021.
 - The advertisements proposed are described as '1 no. illuminated projecting sign, 2 no. 3D window logo, 1 no. 3D canopy graphic, 1 no. face & halo illuminated logo'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application description refers to a number of signs. The Council issued a split decision which granted consent for all of the signs proposed except the high level illuminated face and halo logo sign (identified as Sign 4). The appeal therefore relates solely to the Council's decision to refuse to grant express consent for this one advertisement. I have considered the appeal on this basis.
3. I have taken account of the London Plan (March 2021) (LP) which supersedes the London Plan 2016, together with the revised National Planning Policy Framework July 2021. The main parties were given the opportunity to comment on the relevance of these to the appeal and I have had regard to any comments received.
4. The powers conferred by the Regulations¹ may be exercised only in the interests of 'amenity' and 'public safety'. In determining the appeal, the development plan policies referred to by the Council are not determinative, but I have taken them into account as a material consideration.

Main Issue

5. The Council does not object to the effects of the proposal on road safety or otherwise as regards safety more broadly, and there is nothing to lead me to a different conclusion in that respect based on the evidence before me. The main issue is therefore the effect of the proposal on the visual amenity of the area.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

6. The appeal site comprises a six-storey building of relatively recent construction which is used as a retail outlet at ground floor level with office space above. It is located in a prominent position on the northern side of The Broadway opposite the junction with Palmerston Road. The Broadway is within Wimbledon Town Centre which is characterised by the high concentration of commercial uses and its general vibrancy.
7. During my site visit I observed that there are a range of types and sizes of advertisements within the surrounding area. There are some examples of high level advertisements in the vicinity, such as those at the nearby Grade II Listed New Wimbledon Theatre and Premier Inn. However, the majority of advertisements are fascia and projecting signs of various designs located at ground floor level above the shop fronts.
8. The proposal is for a face and halo internally illuminated logo sign which would be located around 19 metres above ground level on the western elevation of the building. It would be attached to a relatively narrow section of brickwork above large areas of glazing. This section of the building projects slightly forward of the main bulk of the building and is therefore highly visible from The Broadway.
9. In this position the proposal would sit uncomfortably on the building and create visual clutter on an otherwise relatively simple elevation. Furthermore, due to its height above street level, the proposal would be an unexpected feature at odds with the prevailing character of the area, where signage is generally located at a much lower level. Therefore, the proposal would be an unduly prominent and visually discordant addition, particularly in views when looking east along The Broadway.
10. The proposed method of illumination would increase the prominence of the sign, particularly at night, resulting in further visual intrusion. I accept that the illumination of the proposed sign could be limited, or removed altogether, but this would not address my concerns about the overall acceptability of the proposal.
11. There are already an illuminated projecting sign and other signs at the entrance to the building. Given this, I am not persuaded that the proposed sign in this position is reasonably necessary to advertise and promote the premises. In any case, I have not been presented with any reason to suggest that the proposed format would be the only means to achieve this.
12. I acknowledge that there are other high-level signs within the area, including those referred to by the appellant. However, these are materially different to the appeal proposal on account of their siting and design and would not be readily visible alongside the proposed sign. Moreover, the full details of the circumstances under which these were found to be acceptable are not before me, and so I am unable to be certain if they represent a direct parallel to the case before me. In any event, I have considered the appeal scheme on its own merits.
13. I conclude that the proposed advertisement would have an unacceptable effect on visual amenity. Accordingly, the proposal would conflict with Policies CS7

and CS14 of the Core Strategy², Policy DMD5 of the SPP³ and Policy D8 of the LP. In summary and amongst other things, these policies seek to ensure that the character of an area is respected, reinforced and enhanced and not undermined by inappropriate or excessive advertising.

Other Matters

14. I have had regard to the appellant's statement of case which outlines the benefits of the proposal. However, the relevant considerations under the Regulations are limited to issues of amenity and public safety.

Conclusion

15. For the reasons above, and having taken all other relevant matters into consideration, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

² London Borough of Merton LDF Core Planning Strategy 2011

³ London Borough of Merton Local Plan Sites and Policies Plan 2014