



Appeal Decision

Site visit made on 8 March 2022 by M Long

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/H5960/Z/22/3291225 42 Lavender Hill, London SW11 5RL

- 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 Mr Richard Page (Wildstone Estates Ltd) against the decision of The London Borough of Wandsworth.
 - The application Ref 2021/4548, dated 16 September 2021, was refused by notice dated 29 November 2021.
 - The advertisement proposed is described as the 'erection of a digital advertising display at: Gable at 42 Lavender Hill, Clapham, SW11 5RL.'
-

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 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.
4. Late evidence regarding an objection to the proposal was accepted. The appellant and the Council were both given an opportunity to comment on this evidence, therefore, I do not consider that either party were prejudiced.

Main Issue

5. 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 proposal on the visual amenity of the area with regard to character and appearance and the living conditions of the neighbouring residents.

Reasons for the Recommendation

6. The appeal site is the western flank wall of a three-storey, end-of-terrace property with ground floor commercial use that is situated at the junction of Lavender Hill and Ashley Crescent. The flank wall is opposite another tall building with high-level windows facing the appeal site which appear to serve residential accommodation. This section of Lavender Hill has a predominantly

commercial character and is largely comprised of tall properties with ground floor businesses whereas Ashley Crescent is a quieter residential road. Advertising in this area is mainly associated with the commercial premises and contained to ground floor level. There are some large, high-level displays in the wider area, including a limited number of digital screens, however these are not so numerous that they form a significant part of the character of the area. There is a large display installed at the first and second floor level of the flank wall at No 30, close to the appeal site, however the Officer Report indicates that this advertisement does not benefit from consent.

7. The proposal is the installation of a digital display at first floor level that would be capable of showing changing static imagery at regular time intervals. The display would be most visible to those approaching from the west along Lavender Hill and there would be some views from the Ashley Crescent area, including from the high level windows opposite the site.
8. 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 National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Visual amenity – character and appearance

9. The positioning at first floor level would appear out of keeping with the predominant pattern of signage relating to the ground floor businesses in this area and would result in an overly prominent addition to the Lavender Hill streetscene. This would be exacerbated by the proposal's digital illumination and changing static imagery, which would attract a substantial amount of attention from those passing. While the proposal would be smaller than other roadside digital screens, its comparatively smaller size would not mitigate the harm that would arise from its overall unsympathetic design in this context. It appears that an advertisement of a larger size was previously erected at this site, however the Officer Report indicates that it did not benefit from consent and was removed a number of years ago. This historic feature carries limited weight which would not outweigh the harm identified above.
10. While there would be no long-distance views of the proposal, its incongruous design would feature as an obtrusive addition in the immediate area, to the detriment of its visual amenity. Even though most views of the display from Ashley Crescent would be partial, its prominent digital design would appear particularly conspicuous when viewed from within this residential context. Photographs of approved digital displays in various commercial settings have been included within the submitted documents. However, the full details of these schemes are not before me and so these examples are not considered to provide a precedent for the proposed scheme. In any event, each scheme must be considered on its individual planning merits and circumstances.

Visual amenity – living conditions

11. The proposal would be clearly visible from the east-facing, high-level windows of the opposite buildings, as well as partly visible from some residential accommodation further north along Ashley Crescent. Due to its height and considerable size, the display would appear obtrusive from these windows,

particularly given their close proximity to the appeal site. The change of view from a blank brick elevation to a high-level, digitally illuminated advertisement would result in undue harm to the amenity of surrounding residents. Moreover, the capability of the screen to display changing static images would be an inappropriate distraction from within a residential context.

12. The use of conditions to further control the luminance of the proposal have been suggested, however these measures would not sufficiently mitigate the harm that arises from the screen's obtrusive size and its close proximity to nearby residential accommodation, which would cause undue distraction to the occupiers. My attention has been directed towards examples of digital displays that face towards residential accommodation. While there may be some similarities with the appeal scheme, a number of discernible differences appear to remain, such as how directly high-level windows face towards the screen and their proximity to it. In any event, each appeal must be determined on a case-by-case basis and, in this location, the scheme would result in harm to the amenity of the neighbouring residents.

Conclusion

13. Given the above, the proposal would result in harm to the visual amenity of the area with regard to its impact on character and appearance and the living conditions of neighbouring residents. As such it would be contrary to the Development Management Policies Document, adopted March 2016. In particular, Policy DMS8 which seeks to ensure advertisements do not harm visual amenity and Policy DMS1 which seeks to ensure that development has a scale and appearance that contributes positively to local spatial character and which does not harm the amenity of occupiers of nearby properties.

Other Matters

14. The appellant has suggested that the display could be used for emergency and public health information or for non-commercial campaigns during void periods. The display has also been mentioned as a form of future proofing technology that would support broader smart city objectives. However, the associated benefits relating to a single display, such as the appeal scheme, would be limited and would not outweigh the harm identified above.

Recommendation

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

Zoe Raygen

INSPECTOR