



Appeal Decision

Site visit made on 15 February 2022 by A Coombes

Decision by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal Ref: APP/N5660/Z/21/3289341

383 Kennington Lane, London SE11 5QY

- 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 London Lites Ltd against the decision of London Borough of Lambeth Council.
 - The application Ref 21/03295/ADV, dated 17 August 2021 was refused by notice dated 5 November 2021.
 - The advertisement proposed is the replacement of an existing Light Box Advertisement with a new smaller LED Digital Advertisement.
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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.

Main Issue

3. The Council have not refused the application in respect of public safety and therefore the main issue is the effect of the proposed advertisement on the amenity of the area, including the Vauxhall Conservation Area (VCA).

Reasons for the Recommendation

4. 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.
5. 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 (the Framework), issued 2021, sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The appeal site is a three-storey end terrace property situated within the VCA, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. There is currently a free-standing light box advertisement in situ in front of the flank wall that faces the

busy Harleyford Road junction. The proposal seeks to replace this with an LED advertisement that will be affixed to the flank.

7. The existing advertisement may be long-established at the appeal site. Nevertheless, the proposal would vary substantially as it would display illuminated, digital images which would be significantly sharper than those currently displayed and would change sequentially. As such, the proposal would be more prominent, overly obtrusive, and visually discordant. The appeal site is located on a well-lit arterial route and brightness levels of the proposed advertisement could be controlled by condition. Nevertheless, due to its digital design the proposal would remain intrusive, especially at night-time and conditions would not negate the harm that has been identified.
8. There is one example of an LED advertisement nearby and the Council have commented that it fails to contribute positively to the VCA. The proposed advertisement would not be viewed within the same context as this example, which would be behind any road users or pedestrians observing the appeal site. Though the appeal site is viewed within a commercial context, with shop fronts and related signage, the character of the immediate locality is visibly less commercial than that of the nearby LED advertisement, which is situated close to other examples of minor illumination.
9. It is suggested that the proposal is a modern upgrade which would reduce the size of the panel and improve the appearance of the existing advertisement. However, at the time of my site visit it appeared to be well maintained. The appellant indicates that the proposal would have environmental and economic advantages. Whilst these matters may be of some benefit to the public, I afford them limited weight and they would not outweigh the harm identified.
10. For the reasons given above, the advertisement would cause harm to the amenity of the area and would fail to preserve the character of the VCA. Though not decisive, regard has been given to Policies Q17 and Q22 of the Lambeth Local Plan 2020-2035, adopted 2021. Policy Q17 seeks to resist advertisements that do not integrate well within their context, even in the case of replacement advertisements. Policy Q22 specifically seeks to resist advertisements within conservation areas that do not respect or reinforce the established positive characteristics of the area.

Conclusion and Recommendation

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

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

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

A McCormack

INSPECTOR