



Appeal Decision

Site visit made on 29 March 2022 by C Glaister BSc (Hons)

Decision by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/N5660/Z/22/3292298

Land adjacent to 301 and 303 Kennington Lane, London SE11 5RD

- 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 Thomas Johnston of JCDecauxUK against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04220/ADV, dated 1 November 2021, was refused by notice dated 13 January 2022.
 - The advertisement proposed is described as "Installation of an internally illuminated digital display on a specially designed Wilmotte leg".
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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 original application described the site location as being Land at Kennington Lane. The Council described the location as being adjacent to 301 and 303 Kennington Lane. As this more accurately describes the site location and has subsequently been used by the appellant to describe the position of the sign, I have used this description above.

Main Issues

4. The main issues are the effect of the advertisement on:
 - the amenity of the area; and
 - public safety.

Reasons for the Recommendation

Amenity

5. The appeal site is positioned to one side of Oval Way, close to the junction of this road with Kennington Lane. To either side of the busy Kennington Lane there are a variety of uses, including a mix of commercial and service buildings, along with residential apartments. Many of the buildings are tall, and there are wide public footways to either side of Kennington Lane.

6. The advertisement would be large, with an internally illuminated, digital display, and an automatic sequential change of image. Although set back from the road junction, given the straight and wide, open nature of Kennington Lane it would be visible from long distances away. The size of the sign along with its illuminated digital display would make it visually prominent within the area, and particularly so as there are no other large, freestanding signs nearby. As such, the sign would be an intrusively discordant addition to the area.
7. The advertisement would not directly face any residential buildings, and there would be some light provided by streetlights during darker hours. Notwithstanding this, LED illumination has a crisp and bright appearance, and this, combined with the size of the sign and its position close to Kennington Lane, would make it conspicuously prominent, especially when it was dark. The changing images would exaggerate the harm, being a distracting addition within an area where there are no other large, illuminated signs. Whilst internally illuminated digital signs may often be found in urban areas, in this case having regard to the context of the proposal, conditions to control the advertisement's level of illumination and other controls relating to the lighting of the advertisement, would not be sufficient to alleviate the harm. Any contribution to economic growth would be very limited, and neither this nor the use of modern technology and recycled materials, would outweigh the significant harm identified.
8. The appellant has referred to a lapsed consent for an internally illuminated freestanding advertisement (ref: 14/00018/ADV). However, from the evidence before me, it appears that the area has experienced changes through redevelopment. The application was also considered under a different development plan, and since 2014 there have also been changes in government policy. Having regard to these circumstances, the weight that can be attributed to the consent is limited and does not form a binding precedent for allowing the appeal.
9. For these reasons, the advertisement would unacceptably harm the visual amenity of the area. Although not decisive in advertisement cases, I have had regard to Policy Q17 of the Lambeth Local Plan (2021) (LLP) and the Advertisements and Signage Guidance (2016). These seek amongst other things, that advertisements contribute positively to the local scene and integrate into their context, thereby reflecting objectives of the National Planning Policy Framework. The advertisement would fail to accord with these aims.

Public Safety

10. The advertisement would be close to the junction of Oval Way with Kennington Lane. The sign would be visible to road users entering and exiting Oval Way, but as it would be positioned set away from the junction, the advertisement would not have a harmfully distracting presence for those negotiating the junction.
11. To the west of the site there is a light controlled pedestrian crossing over Kennington Lane. The sign would be visible to those approaching Oval Way, and also to those using the crossing. However, the position of the sign at an oblique angle to motorists and to those crossing the road, along with the degree of separation, would be sufficient so as to minimise distraction to users

of the highway. In addition, the use of conditions to control lighting and display could further ameliorate the harm.

12. Accordingly, and subject to the conditions suggested by the Council, the advertisement would not introduce significant public safety issues for users of the highway. The scheme would accord with LLP Policy Q17 insofar as it relates to public safety objectives.

Conclusion and Recommendation

13. Although the advertisement would not cause significant harm with regard to highway safety, it would cause significant harm with regard to visual amenity. For the reasons given above and having considered all other matters raised, I recommend that the appeal is dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

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

J J Evans

INSPECTOR