

---

# Appeal Decision

Site visit made on 19 April 2022 by R Dickson BSc (hons) MSc

## Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

---

### Appeal Ref: APP/H5960/Z/22/3292495

#### 179 Battersea Park Road, Battersea, London SW8 4LR

- 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 Giovanni Leuzzo (Blow Up Media UK Ltd) against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref 2021/5252, dated 16 November 2021 was refused by notice dated 7 February 2022.
  - The advertisement proposed is a temporary printed decorative scaffold shroud screen advertisement comprising a 1:1 image of the building facade with an inset advertising area measuring 5 metres x 5 metres.
- 

### 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.

### Preliminary Matter

3. The council has drawn my attention to the development plan policies it considered to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, the powers under the Regulations<sup>1</sup> to control advertisements may be exercised only in the interests of amenity and public safety, taking account any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

### Main Issues

4. The main issues are the effect of the proposed advertisement on visual amenity, with particular regard to character and appearance of the Parktown Estate Conservation Area and the setting of nearby listed buildings; and on public safety.

### Reasons for the Recommendation

#### *Amenity*

5. The appeal site comprises an imposing, attached four-storey building with a three-storey flank to the rear with retail use at ground floor. The Council

---

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

advises that it is locally listed, and it is therefore a non-designated heritage asset (NDHA). It is situated at the northern tip of the Parktown Estate Conservation Area (CA), providing a gateway into the CA along with its neighbour (No 177). It is near to a Grade II listed railway bridge, beyond which is the Grade II listed Battersea Park Railway Station.

6. The presence of railway infrastructure forms a key part of the significance of the northern part of the CA, dominating the area around the appeal site. The CA also draws significance from the planned layout and long, tight-knit terraces of period buildings. The surrounding area comprises a mix of commercial premises and residential streets fronting the busy intersection of Battersea Park Road and Queenstown Road.
7. The proposed advertisement would be a shroud covering the north and west elevation with a 1-1 image of the building. An externally illuminated 5m x 5m area of commercial advertisement covering the first and second floor windows is proposed on the west elevation of the building. The appellant proposes that it would be displayed for a period of eight months during work to the building.
8. The railway bridges either side of the appeal site and its neighbours dominate views when approaching the site along Battersea Park Road towards the side of the building where the commercial advertising is proposed. Due to its size and elevated position, the proposed commercial advertising would be a large and prominent feature in this view, drawing attention away from the listed buildings.
9. The amount of commercial advertising compared to the size of the shroud would be relatively small, however it would be considerably larger than other advertising material nearby, which mainly comprises fascia level signage. There are some larger poster displays in nearby roads, but these are not as large as the commercial advertising proposed here and are not seen in the same views. Therefore, the proposal would introduce an intrusive and dominant commercial presence into an area characterised by traditional buildings, railway architecture and modest advertisements.
10. Given these impacts and the property's prominent location, the proposed commercial advertising area would diminish the appearance of the NDHA and the character of this part of the CA and would not preserve or enhance the character or appearance of the CA. Furthermore, it would detract from the setting of the listed buildings.
11. The Planning Practice Guidance sets out that buildings undergoing renovation may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements. It does not however specifically refer to shrouds with inserts of commercial advertising space as is proposed here. Nor does this overcome the need to have regard to heritage assets and their contribution to the amenity of an area.
12. The harmful effects would be temporary, and the consent could be time limited by condition. However, given the prominent location and size of the proposed commercial advertising area and its position on an NDHA and in a sensitive heritage context, I find that even for this eight-month period the proposed advertisement would have an overly intrusive and dominating effect within the CA. Therefore, such a condition would not adequately mitigate the harm identified.

13. The appellant is also willing to limit or exclude the illuminated element of the commercial advertisement, however while this would lessen the impact during the hours of darkness, it would have little impact during the day. Therefore, it would not adequately address the harmful effect of the proposal.
14. The proposed 1-1 shroud image would add some visual interest to the building during renovation works, however for the reasons above the commercial advertising would be unduly dominant and harmful to the area. While mesh or plain shrouding is likely to be installed around the scaffolding as an alternative, this is not an unusual sight and would not draw attention in the same way as the proposal. Therefore, it would be unlikely to have the same harmful effect on the visual amenity of the area as I have identified.
15. Consequently, the proposed advertisement would have a harmful effect on the visual amenity of the area which could not be addressed by conditions. I have taken into account DMS1, DMS2, and DMS8 of the Wandsworth Local Plan Development Management Policies Document (2016) (Local Plan), which only allow advertisements which would not harm visual or aural amenity, and which require proposals to contribute positively to local spatial character, including the historic environment. The Local Plan policies are therefore material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal does conflict with these policies.

#### *Public Safety*

16. I recognise that public safety concerns were not raised in relation to previous schemes on the site for larger displays, however the highway authority has objected to the appeal scheme on this basis and the Regulations require consideration of both amenity and public safety.
17. The appeal site is sited on a complex, busy, signal controlled junction where highway users need to pay careful attention to navigate the various features of the junction, including multiple lanes, several pedestrian crossing points, cycle lanes, bus stops and yellow boxes. It is therefore important that road users concentrate and are not distracted from the complexity of the junction.
18. The proposed commercial advertising area would be seen by drivers, cyclists and pedestrians approaching the junction along Battersea Park Road. Although it would be seen from some distance and approaching at relatively low speeds, it would be most obvious in views approaching the junction with Queenstown Road, where it would be seen behind and above the traffic signals for drivers when approaching the crossing. Due to its size and siting, it would also draw attention for drivers waiting to cross the yellow boxes.
19. The purpose of advertisements is to attract the attention of passers-by, and advertisements are not uncommon in an urban area. However, in this area other advertisements are not of the size proposed or in such an elevated position. While it would be a static image, the size and position of the proposal would nevertheless draw attention up and away from the features of this busy junction.
20. It may be that road users would be able to take in the content relatively quickly, and some might do so while waiting at red lights. However, not everyone would have to stop at the signals, and those navigating this busy junction would see the proposed advertisement when also needing to

concentrate on oncoming traffic, pedestrians using the crossings and cyclists potentially changing lanes and negotiating the junction. Such a distraction would result in significant potential for conflict between drivers and other road users and unacceptable harm to highway safety.

21. Although other examples of similar advertisements have been provided by the appellant, these are not viewed when approaching the junction in the same direction or seen behind and above the signals. They do not therefore have a comparable impact to this proposal.
22. Accordingly, the advertisement would harm highway safety, and therefore public safety. This harm would endure for the display of the advertisement and therefore I find that the proposal would be unacceptable in terms of public safety irrespective of the length of time it was in place. Removal of the proposed illumination would not reduce the harm caused during the day. Therefore, this could not be adequately addressed by conditions.
23. I have taken into account Policies DMS2 and DMS8 of the Local Plan, which seek to prioritise highway safety and so are material in this case. Given I have concluded that the proposal would harm public safety, the proposal does conflict with these policies.

### **Other Matters**

24. I acknowledge that the area of commercial advertisement has been reduced from previous schemes, however for the reasons above the advertisement would still harm amenity and public safety.
25. Matters relating to the funding revenue received from the placement of the advertisement are outside of the scope of the relevant regulations. In any event, from the evidence before me I cannot be certain that the works proposed to be funded through this advertisement have been, or would be, granted permission. Therefore, this matter has not been decisive in this case.

### **Conclusion and Recommendation**

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

*R Dickson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

*L McKay*

INSPECTOR