The Planning Inspectorate

Appeal Decisions

Site visit made on 29 July 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal A Ref: APP/A5840/W/22/3293410
Pavement outside of, 77 Southwark Street, London SE1 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by JCDecaux UK Limited against the decision of London Borough of Southwark.
- The application Ref 21/AP/3873, dated 5 November 2021, was refused by notice dated 31 January 2022.
- The development proposed is the installation of an open access communication hub, following the removal of an existing communication apparatus.

Appeal B Ref: APP/A5840/H/22/3293419
Pavement outside of, 77 Southwark Street, London SE1 0JA

- 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 JCDecaux UK Limited against the decision of London Borough of Southwark.
- The application Ref 21/AP/3872, dated 5 November 2021, was refused by notice dated 31 January 2022.
- The advertisement proposed is an advertisement integrated into the proposed Communication Hub unit (21/AP/3873) that comprises an LCD portrait screen that will be used to show static illuminated content.

Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. In Appeal B, I have taken the description of the proposed advertisement from the Council's Decision Notice as this is a more accurate description.

3. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the communication hub and advertisement are inextricably linked in each case. Therefore, to avoid duplication I have dealt with both appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on each site.

4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear

that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration though they have not, by themselves, been decisive in my determination.

Main Issue

5. The main issue is the effect on amenity, including having regard to the setting of nearby listed buildings and occupiers of surrounding properties.

Reasons

6. The appeal site is located on the south side of Southwark Street. It is outside a hotel on an area of footpath that protrudes forward from the on-street parking area adjacent to the site. Although the area is predominantly commercialised, this particular section, despite being in front of a hotel, does not have the commercialised street frontage that is experienced elsewhere on Southwark Street. The area around the appeal site generally has less street furniture and has a notable lack of street trees, unlike other sections of the street. I also observed there is moderately less footfall on this section of the street. This creates a more open and calmer feel to the immediate surroundings.

7. The proposed development would replace an existing kiosk that incorporates an advertisement. This existing kiosk appears somewhat isolated, protruding into the street, serving to demonstrate the harm that can be caused by inappropriately sited street furniture.

8. I consider that the proposed development incorporating a digital advertisement would detract from the otherwise open and spacious area in front of the hotel. Due to its size and illuminated content, it would appear striking and visually prominent. Also due to its siting it would protrude into the street scene, creating an incongruous and alien feature.

9. Having regard to appeal decisions[1] on the opposite side of the road I am also mindful that allowing the proposed development would result in a cluttered appearance to this part of Southwark Street.

10. There are a number of listed buildings on Southwark Street, the settings of which the Council consider would be harmed by the proposed development. These are all however considerable distances from the appeal site and would only be seen in conjunction with them for glimpsed views over acute angles. The proposed development would not disrupt the appreciation of these buildings and would thus not cause harm, and thereby preserve, their settings.

11. The Council have referred to the impact of the proposed development and advertisement on the amenity of occupants of surrounding residential properties. As I observed, the surrounding area is predominantly of a commercialised nature and is very active. It would by no means be described as a residential area. Nevertheless, I acknowledge that inappropriate illumination can cause harm to the amenity of residents. Were I to allow the appeals, the imposition of appropriately worded conditions limiting levels of luminance and hours of illumination, would ensure that there would not be an unacceptable impact on the amenity of residents.

[1] APP/A5840/W/22/3293400 and APP/A5840/H/22/3293401

12. I therefore conclude that the proposed development and advertisement would have an unacceptable impact on the amenity of the area. The development would be contrary to Policy D8 of the London Plan (2021) and Policy P43 of the Southwark Plan (2022). Collectively, these policies seek to ensure that the public realm is well designed and that outdoor advertisements must avoid harm to amenity.

13. The proposal would also be contrary to the Framework which states that advertisements should be subject to control only in the interests of amenity and public safety and that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

14. I acknowledge that the proposed development would replace an existing kiosk with advertisement. As the existing kiosk and advertisement serves to demonstrate the harm that can be caused to amenity from inappropriately sited street furniture, and that there are notable differences between it and the appeal proposal, I give it limited weight in the appeal.

15. I have considered the conditions suggested by the appellant. I consider that none of them including those relating to luminance, display time, content restriction and changing of images, would overcome the harm to amenity of the area.

16. The proposed development would provide a communications facility for the public and would include a defibrillator. These are public benefits that weigh in favour of the proposed development. They do not, however outweigh the harm that would be caused to the amenity of the area.

Conclusion

17. For the reasons set out above, and having had regard to all other matters raised, both Appeals A and B are dismissed.

A M Nilsson

INSPECTOR