



Appeal Decision

Site visit made on 6 July 2022 by A Humphries BSc (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/T5720/Z/22/3297459

77 Streatham Road, Mitcham, CR4 2AH

- 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 Wildstone Estates Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 22/P0132, dated 7 December 2021, was refused by notice dated 9 March 2022.
 - The advertisement proposed is for the upgrade of existing advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing advert to support digital poster at 77 Streatham Road, Mitcham, CR4 2AH as applied for. The consent is for five years from the date of this decision, and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 1. The proposed signage shall not have any intermittent light source, moving feature, animation or exposed cold cathode tubing.
 2. The proposed advertisement sheet shall be turned off between 23:00 and 06:00 each day and then only at an illumination level no greater than 100cd/m² between dusk and dawn.
 3. The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display shall include a mechanism to freeze the image in the event of a malfunction.

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 Issues

3. The National Planning Policy Framework (the Framework) sets out that advertisements should be subject to control only in the interests of amenity and public safety. I note that the Council has not raised any issues regarding public safety and this was not a reason for refusal. On the basis of the submitted evidence and my observations during the site visit, I see no reason to disagree with this conclusion.
4. The main issues are therefore the effect of the proposed advertisement on the visual amenity of the street scene and the amenity of the surrounding residential properties.

Reasons for the Recommendation

5. On the flank wall of an end of terrace residential property, the appeal site faces a parking area and large industrial units of Mitcham Industrial Estate. The immediate locality is principally of mixed residential and industrial character. The flank wall of the residential property currently supports a 48-sheet poster and paste non-illuminated advertisement which is an established part of the character and appearance of the street scene. This would be replaced by the proposed advertisement, which would comprise digital LED panels and would be internally illuminated with static multicoloured advertisements displayed on rotation.
6. The proposed advertisement would sit comfortably within the flank wall and would occupy the same position, scale and orientation as the existing advertisement. Although located prominently when viewed from one direction on a slight bend in Streatham Road, the proposed advertisement would in close views be visible in the context of other signage and advertisements associated with the nearby self-storage and builders' merchant units. The proposed advertisement would sit lower than the surrounding signage and be set at an angle so as not to appear overly dominant on the street scene. Since the proposed advertisement would replace the existing advertisement, it would neither increase the size nor number of advertisements and I am not therefore persuaded that the proposed advertisement would dilute or undermine the quality, character and amenity of the area. The proposed advertisement would be appropriate in terms of scale and siting in the context of the immediate surroundings.
7. The Council has raised concerns regarding the effect of illumination from the proposed advertisement on No. 60 to 80 Streatham Road and the appellant has subsequently submitted a lighting diagram with the appeal. Based on this, the Council has accepted that the proposed advertisement would not result in an unacceptable impact on the amenity of neighbouring properties due to the illumination of the advertisement. On the evidence presented before me, I see no reason to disagree with this conclusion.
8. For the reasons above, the proposed advertisement would not result in unacceptable harm to the visual amenity of the street scene or the amenity of surrounding residential properties. The Council has drawn my attention to Policy DM D5 of the Sites and Policies Plan and Policies Maps (2014), which seeks high quality design of advertisements to protect amenity. I have taken this policy into account in so far as the policy is a material consideration and I

am satisfied that there is no conflict with the policy, however, the policy has not been determinative in my consideration of the appeal.

Conditions

9. The Council has suggested conditions to restrict the express consent to 5 years and to be in accordance with the approved plans. However, these are unnecessary as all consents are automatically given for 5 years, and there is no requirement for the plans condition as the decision grants express consent and not planning permission.
10. The Council has also suggested further conditions relating to the control of illumination, moving images, minimum display times and the frequency of successive displays. Furthermore, in respect of illumination, the appellant suggested a limit to night-time illumination. In the interests of public safety and visual amenity, I also consider such conditions to be reasonable and necessary.

Conclusion and Recommendation

11. For the reasons given above I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity.

A Humphries

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 allowed and express consent granted subject to the conditions set out herein.

Martin Seaton

INSPECTOR