



Appeal Decision

Site visit made on 14 February 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2023

Appeal Ref: APP/N5660/Z/22/3301110
KFC 467 Brixton Road, London SW9 8HH

- 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 Blow Up Media UK LTD against the decision of London Borough of Lambeth.
 - The application Ref 22/00741/ADV, dated 28 February 2022, was refused by notice dated 31 May 2022.
 - The advertisement proposed is wall-mounted digital display screen (internal LED illumination) for the display of static poster advertisements measuring 14m x 5.6m.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement upon a) the amenity of the area, including in respect of heritage assets and b) the public safety of the area in respect of highways.

Reasons

Amenity - heritage assets

3. Dating from 1938, the appeal property, together with No 469, is a large 3-storey building with a striking curved brick façade with decorative vertical fins segregating the upper floor windows into bays of 3. Built as the Prince of Wales Public House (PH), it is now split into two units, one part remaining as a PH, and the remainder (the appeal property) occupied by KFC. It is a locally listed building.
4. The site is in the bustling and vibrant Brixton town centre, which is designated as a Conservation Area (CA). Historically, this area was a popular south London suburb which developed during the 19th Century and includes the development of Britain's first purpose-built department store, and the Tate Library (1892), a Grade II listed building. The area had much development during the early 20th Century, including the development of Lambeth Town Hall (1908) and the Ritzy Cinema (1911), both of which are Grade II listed. Road widening during this time led to the introduction of a number of 1930's 'moderne' style buildings, including the appeal property. These positively add to the character of the CA and are recognised as locally listed buildings.
5. The appeal property is particularly prominent due to its location on a busy corner of Brixton Road and Coldharbour Lane. It can be seen from these highways and from the wide areas of open space at Brixton Oval/Windrush

Square which includes a Grade II listed bust of Sir Henry Tate (1905). The Grade II* listed St Matthews Church is set in an island location between Brixton Hill, Effra Road and St Matthew's Road, to the south-east of Windrush Square and also incorporates large areas of open space 'St Matthew's Gardens.'

6. The proposed digital poster would be large in scale and would be positioned at first and second floor level above KFC. It would completely cover 18 windows, offset to the side with Brixton Road, masking some of the vertical fins, disrupting the architectural unity of the building and its symmetry. It would form a bold and stark appendage, and it would appear as an overly dominant and intrusive feature 'bolted on' to this locally listed building. The nature of the advertisement as a lit LED screen with static images which would change at regular intervals would also further compound its prominence, particularly at night-time.
7. This prominent building acts as somewhat of a set piece of 'moderne' architecture in the area and focal point across the public open spaces and transport routes, particularly when travelling north towards the railway station along Brixton Hill/Brixton Road and eastwards along Coldharbour Lane. As experienced from the wider street scene, it would therefore also be at odds with the character of the locality.
8. The location of the proposed advertisement is historically sensitive and as an incongruous addition, the harm would be to the locally listed building itself and the character and appearance of the CA. While there are a number of listed buildings in proximity to the site and there would be intervisibility between the proposal and these assets, the harm is an area based one, rather than to the individual settings of these buildings.
9. I accept that the town centre is a cosmopolitan area with a mix of cultures and communities and that this has a direct relationship to the physical character of Brixton. However, given my findings, this would not justify the proposals before me and the harm caused to the CA.
10. Overall, the proposal would cause harm to the amenity of the area. This would arise from harm to No 467 Brixton Road, as a non-designated heritage asset and as it would fail to preserve or enhance the character and appearance of the CA. to which, as per the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special attention.

Public safety - highways

11. The site is located on the A23/A2217 junction and forms part of the Transport for London Road network. The road network here consists of relatively wide highways with multiple lanes and bus lanes, and the busy junction intersects with a number of other routes which converge with Brixton Hill and Effra Road. The junction is controlled by a series of traffic lights and has a number of pedestrian crossings.
12. In such cases it is necessary to strike a careful balance between an advertisement, the very essence of which is designed to attract attention, with highway safety. Planning Practice Guidance (PPG)¹ recognises that proposed advertisements at points where drivers need to take more care are most likely

¹ Paragraph: 067 Reference ID: 18b-067-20140306

to affect road safety. Junctions and pedestrian crossings are given as an example of such an area.

13. I visited the site during the working day and the area was a hive of pedestrian activity and the road network was busy with cars, bicycles and buses. The junction is fairly complicated with the number of lanes, crossings and traffic lights. More vulnerable users such as pedestrians and cyclists use the junctions.
14. While the responsibility is on the driver and the traffic speeds are limited by the amount of traffic running through this area, I observed that queuing traffic and changing lanes is commonplace in this area and I consider that all users, be it drivers, cyclists or pedestrians need a high level of concentration to ensure the safety of all. No detailed statistics are before me, but I also note the comment by Transport for London that there is a history of collisions at this junction.
15. In light of these conditions, I find that the digital advertisement would be a significant distraction to users of the highways which would cause harm to highway safety. In particular, the display would be seen in the background of some of the traffic lights at the A23/A2217 junction (when travelling north or east). The proposed advertisement could therefore, in visual terms, interfere with the highway users perception of the traffic controls. Such distracting effects would be magnified in wet or misty weather conditions and at night.
16. I accept that the area is a busy commercial area and arising from this there are a large number of businesses with advertising. The PPG also notes that there are there are less likely to be road safety problems in a commercial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline. However, there are no such similar signs in the area, as these are typically non-LED, associated with shopfronts and other commercial activities such as the markets.
17. I also note the conditions suggested by the appellant which, amongst other things, would restrict luminesce, the use of moving images, audio and display times. Even with such controls in place, the frequent change of display, the size and siting of the proposed advertisement and its form as an LED screen would give rise to a significant chance of interrupting concentration, at a risk to safety.
18. While the Council did not object to a poster in the same location in 2017² on highway grounds, that proposal was different in that it was for a static poster attached to a scaffold shrouding for a temporary period only. The proposal before me is thus not comparable.
19. Overall, the proposed advertisement would cause harm to public safety in specific regard to highways impacts.

Conclusion

20. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson INSPECTOR

² As determined at appeal reference APP/N5660/Z/17/3177659