



Appeal Decision

Site visit made on 7 March 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/H5960/Z/22/3291710

73 Mitcham Road, London, SW17 9PB

- 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 London Lites Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2021/4338, dated 20 September 2021, was refused by notice dated 11 January 2022.
 - The advertisement proposed is replacement of an existing advertisement with an LED digital advertisement of a smaller size.
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Decision

1. The appeal is allowed, and express consent is granted for replacement of an existing advertisement with an LED digital advertisement of a smaller size, 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 intensity of the illumination of the advertisement display permitted by this consent shall be no greater than 300cd/m² between dusk and dawn, and no greater than 600cd/m² during daylight hours.
 - 2) The advertisement display shall not change more than once every five seconds and the changes shall be instantaneous and take place over a maximum period of one second. The displayed image shall be static and shall not include any animated, moving, intermittent or video elements.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for these appeals.
3. The Council suggests that there is no record that permission was granted for the existing advertisement. There is however no evidence before me to demonstrate that the Council has sought to secure its removal, and I note that it has been displayed on the building for a long time. I am therefore satisfied that I should consider the proposal on the basis that it replaces an existing advertisement rather than introduces a new one.

Main Issues

4. The effect of the proposal on the amenity of the area, including the setting of the Grade 1 listed building known as Gala Bingo Club, and the living conditions of the occupiers of nearby dwellings.

Reasons

5. The appeal site is in a busy urban area, typical of a London high street. The ground floor of most of the nearby buildings fronting Mitcham Road are in commercial use. Most buildings are late 19th century in date. Residential streets extend away from Mitcham Road, including Undine Street to the side of the appeal site.
6. The proposal would replace an existing timber advertisement panel with an LED digital screen. The proposed screen would be smaller and would adopt a more appropriate form than the existing panel, with a portrait format that would better respect the proportions of the traditional building onto which it would be fixed and the general layout and scale of buildings in the area. It would also be positioned clear of the existing side window, which would look less cumbersome than the existing panel which partly obscures this window.
7. The Council states that the proposal would cause harm to the setting of the listed building opposite. It does not however demonstrate that it has assessed the setting of the building, explain how the setting contributes to the significance of the building, or how the proposal would harm significant aspects of the building's setting. It is therefore unclear how it has reached this view.
8. The listed building dates from 1930-31 and has a highly significant interior, referred to as the most lavish for such a building in Britain and significant at a European level. Its imposing Italianate style exterior is dominated by huge columns supporting a portico with recessed glazing, and makes a bold contribution to the character and appearance of the streetscene, rising well above the scale of surrounding buildings in an entirely different architectural style. Its high street setting is enhanced by the busy urban character and appearance of the area, from where the composition of the primary front part of the building can be readily appreciated. Based on the evidence before me and my own observations on site, these are aspects of the building's setting that contribute to its significance.
9. I accept that the introduction of an illuminated screen would cause some visual harm as it would draw the eye more readily than the existing unilluminated panel. However, the appeal site is within a bustling area which includes the bold and prominent form of the listed building. There is already an apparent level of illumination from glazed shopfronts and signs. In this context I am satisfied that the additional visual harm would be modest. It would be outweighed by the overall benefit from the reduced size of the sign when compared with the current panel, its improved proportion, and its position away from the existing window; and would be appropriate in the context of the busy urban setting of the listed building.
10. Whilst I agree that most signage is at ground floor fascia level, there are some signs and adverts at a higher level, and I could see the bracket of a former hanging sign high up on the front of the appeal building. In this context and taking into account the overall scale of the buildings and the long established

presence of the existing panel, I am satisfied that the screen would not appear out of place.

11. Although not included in its refusal reason, the Council's officer report also refers to harm to the setting of the adjacent locally listed Tooting Library. The proposed screen would face towards the side of this building. For the reasons already given I am satisfied that the proposal screen would not harm the setting of this historic building.
12. Turning to the matter of living conditions, the position of the proposed screen would improve the outlook from the existing side window. The screen would be sufficiently distant and offset from the outlook from other nearby dwellings to ensure that their living conditions would not be harmed. If the appeal is allowed, an appropriately worded condition would ensure that the illumination level of the screen is restricted to avoid light pollution and harm to outlook.
13. In summary, the proposal would not harm the amenity of the area. I have taken account of Policies DMS1, DMS2 and DMS8 of the Wandsworth Local Plan Development Management Policies Document 2016, which seek to ensure good standards of design that conserves the setting of historic assets, and are thus material in this case. Given that I have concluded that the proposal would not harm amenity, it would not conflict with these Policies.

Other Matters

14. I have had regard to the other cases that were referred to by the Council. Details of both cases are limited, however it is clear from the extracts submitted that both differ from the appeal proposal, as does not primarily relate to a residential street, and would not lead to a cluttered appearance. These decisions do not therefore alter my assessment of the merits of the proposal before me.
15. The Council has raised no concern regarding public safety, beyond the conditions suggested by Transport for London. Based on the information before me and my own observations on site I find no reason to disagree.

Conditions

16. I have imposed a condition to control the level of illuminance. This condition is necessary to ensure that the display does not harm the character and appearance of the area or the living conditions of those who live nearby.
17. I have imposed a condition to ensure that the advertisements are displayed for a minimum time, that the change between adverts is instantaneous, and that the displayed advert is static. This condition is necessary to ensure that the advertisements do not harm the safe operation of the highway network.

Conclusion

18. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR