



Appeal Decision

Site visit made on 10 May 2023

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/H5960/Z/22/3313543

Land to the East of Riverside Court car park fronting Nine Elms Lane, London SW8

- 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 Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2022/3218, dated 26 July 2022, was refused by notice dated 9 November 2022.
 - The development proposed is Freestanding double sided advertising unit supporting 3m x 6m digital displays
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site is subject to another appeal¹ which is currently being considered and has not yet been determined. That appeal is not a material consideration in the determination of this appeal.
3. I have taken the address for the development site provided on the Council's Decision Notice, as this is more accurate than the address provided in the application form.

Main Issues

4. The effect of the proposed advertisement on the amenity of the area with specific regard to character and appearance.
5. The effect of the proposed advertisement on public safety.

Reasons

Character and appearance

6. The appeal site is located in an area of landscaping adjacent to the car parking area for Riverside Court, a housing development, adjacent to the River Thames. The site has Nine Elms Lane to the south. Along the pavement edge in this area are low walls and landscaping for the residential development. A number of substantial trees are located between the site and the next building to the east, providing variation in the cityscape and would be the backdrop to the proposed advertisement. The area is urban and modern, the uses in the immediate vicinity are a mixture of residential, which is immediately adjacent to the site, and commercial including offices and hotels to the south. A large

¹APP/H5960/Z/22/3299060

development site under construction is located immediately opposite the site on the other side of Nine Elms Lane.

7. The proposed advertisement due to the extent of its height and illumination would be extremely prominent and would be a dominant feature on what is currently a soft landscaped area on the edge of a small car park. This would be especially the case when viewed on the approach from the west along Nine Elms Lane. Due to its height and illumination, it would also be likely to be visible from more distant views, from the west.
8. Whilst the area has a mixed character with commercial and residential uses nearby, there are no advertisements of this scale and level of illumination in the immediate vicinity. The appellant has stated that the proposed advertisement will add colour and vibrancy to the street scene. The proposal may provide those things, but within this context the proposed illuminated sign would be at odds with the character of the area. Existing advertisements locally are not standalone, rather are on the buildings they serve as signposting for users and are proportionate to those buildings.
9. For the reasons set out, I conclude that the freestanding double-sided illuminated advertisement, by virtue of its size, siting and illumination would result in an incongruous addition which would be visually harmful to the amenity of the area, having specific regard to character and appearance. I have taken account of policy DMS8 of the Wandsworth Local Plan – Development Management Policies Document – Adopted March 2016 (LP) which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy and paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

10. The appeal site forms part of the Transport for London Road Network, and Transport for London has objected to the scheme relating to driver safety and the safety of other road users. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require consideration of both amenity and public safety.
11. The appeal site is located on the north side of Nine Elms Lane which is immediately adjacent to a bus, cycle and taxi lane which operates at all times, and a carriageway for all vehicles beyond that. The road has a bus stop immediately past the proposed advertisement site with signals beyond the site when travelling to the east. The area is a busy route and is used by a variety of transport modes and by pedestrians. The site is in close proximity to a pedestrian access to the riverside walk along the River Thames to the north. Therefore, pedestrians may be encouraged to cross around this point from the south of Nine Elms Lane to get to the river. Therefore, it is important that all road users can concentrate and are not distracted from the complexity of the highway.
12. The proposed advertisement would be visible from some distance travelling from the west towards Vauxhall along Nine Elms Lane due to its height and illumination, which would be particularly prominent in the evening and especially in winter months. Although the speed limit is 30mph and this stretch

of road is relatively straight, due to the complexity of the road with the features previously mentioned, the proposed advertisement would likely be a distraction for road users, particularly drivers. In addition to drivers, Transport for London have expressed that more cyclists will be using this route in future which is a further consideration.

13. For the reasons mentioned, the advertisement would be harmful to highway safety and therefore public safety. I have taken account of policy DMS1 and DMS8 of the LP, which seek to provide a safe environment and ensure advertisements are sited where they would not harm public safety, therefore the policies are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and paragraph 136 of the Framework which states that advertisements should be subject to control only in the interests of amenity and public safety.

Other Matters

14. Details of other advertisements have been brought to my attention by the appellant, the first being one within the London Borough of Lambeth at Vauxhall Cross located within a short distance of the appeal site. This example is for two larger illuminated hoardings, I do not have any information on the exact siting or design of these advertisements therefore am unable to compare this example to the appeal site. Therefore, this matter carries limited weight.
15. Having regard to the second example of a comparable scheme, this is within Wandsworth Borough and there are similarities from the evidence provided, however the context appears to be different. In this example a large advertising hoarding is located on the same stretch of road as the approved advertisement, which therefore does not appear particularly at odds with the surrounding area. The second example provided does not outweigh the harm identified to amenity and public safety.
16. Three further examples of comparable schemes have been provided in a list by the appellant, however I have limited evidence to make a comparison on those schemes, as I have been provided with a broad location and application numbers only. As I have no information on their exact siting, their appearance, size and illumination (if relevant) I am unable to make a meaningful comparison between the appeal scheme and the examples listed. Therefore, this matter does not outweigh the harm identified to amenity and public safety.
17. The appellant has provided a number of suggested conditions that would be put in place should the advertisement be approved, in line with industry standards, whilst they would provide some mitigation, the conditions would not outweigh the harm identified to amenity and public safety.
18. The appellant has stated that the proposed advertisement would provide benefits regarding public messaging and placemaking, financial support to residents of Riverside Court and business rates for the Council. I give this matter limited weight.

Conclusion

19. For the reasons set out above, I conclude the proposed freestanding double sided advertising unit would be harmful to the amenity of the area and public safety, and that the appeal should be dismissed.

N Duff

INSPECTOR