



Appeal Decision

Site visit made on 21 June 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/H5960/Z/22/3299060

Land at south west corner of an area of open space in front of Elm Quay Court, Nine Elms Lane (at corner of Riverside Walk)

Ordnance Survey Grid Reference 529602:177631

- 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 Harlech Sites Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/4715, dated 12 October 2021, was refused by notice dated 25 March 2022.
 - The advertisement proposed is described as 'Freestanding digital advertising display (2.5m x 3.75m)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the descriptive site address and Ordnance Survey grid reference given on the application form. An alternative address was given on the Council's decision notice but there is no ambiguity as to the location of the site, as identified on the application plans.

Main Issue

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety, taking into account the provisions of the development plan insofar as they are material and any other relevant factors.
4. The evidence indicates that any public safety concerns could be addressed through the use of suitable conditions. Therefore, the main issue is the effect of the advertisement on amenity.

Reasons

5. The appeal site is alongside Nine Elms Lane, adjacent to the highway. It is part of an area of public open space, comprising a grassy area planted with trees along Nine Elms Lane, behind which is a paved area with seating facing the River Thames. It is signposted as forming part of a Riverside Walk which includes a series of linked public spaces along the riverside embankment. The proposed advertisement would be in the southwest corner of the site, adjacent to both Nine Elms Lane and the pedestrian route into the Riverside Walk.

6. Nine Elms Lane is a busy urban road within an area subject to extensive and ongoing urban regeneration. The street scene is dominated by tall buildings, in a variety of contemporary architectural styles, often highly glazed. These include a mixed commercial and residential development opposite the appeal site. The landmark US Embassy building is nearby, together with a variety of surrounding residential and commercial buildings. There are some ongoing construction sites, one of which is adjacent to the appeal site.
7. The appeal site is one of very few parcels of open green space, forming a welcome gap in these otherwise intensively developed surroundings. The trees on the site introduce soft landscaping into the streetscape and the site provides a connection between the busy roadside environment and the quieter Riverside Walk.
8. The proposed advertisement would be some 6 metres in overall height and prominently located in the foreground of the open space. It would sit in front of the existing tree cover, partly obscuring it from view. As a result of its scale and position, it would be a visually dominant feature, particularly in approaches from the west. Notwithstanding the proposed measures to manage the level of illumination, its digital format incorporating changing images would draw attention, further contributing to the degree of visual intrusion.
9. The proposed planting scheme would be at a relatively low level and would not effectively mitigate the adverse effect on views of the existing landscaping. While the proposed advertisement would not obstruct access into the open space, it would significantly undermine its leafy ambience and associated visual and functional amenity value.
10. Although a larger advertisement has historically been sited in the same location, this was subject to a temporary consent which expired in 2020¹. An appeal relating to an application for its retention was dismissed in September 2021² and at the time of my site visit this previous, larger advertisement had been removed. Therefore, the proposal would increase, not reduce, the presence of advertising on what is currently an open, green site.
11. There is some existing advertising within the surrounding street scene, as might be expected within a contemporary, urban environment. This includes illuminated bus shelter displays and a small number of larger format digital displays further to the north. However, illuminated signs are not particularly prevalent within the immediate vicinity of the appeal site. The retail store signage opposite is neither excessively large nor brightly lit when seen in the context of the associated shop windows. The limited number of construction site hoardings are generally well maintained and presented, with only limited advertising content. None of the existing adverts are of comparable scale or prominence to the appeal proposal, nor do they detract from the public realm to a similar extent.
12. While the proposed advertisement would be temporary in nature, it would nevertheless have a harmful visual impact for the duration of the proposed two year period. The presence of construction works in the vicinity does not justify the introduction of a visually intrusive feature within the street scene for the

¹ LB Wandsworth application 2017/3776

² Appeal ref APP/H5960/Z/21/3276398

duration of such works. Neither would proposed controls over the intensity of illumination and image transition adequately mitigate the overall harm.

13. While additional outdoor advertising may be proposed around the nearby Battersea Power Station development at some future date, I have been presented with no substantive evidence as to its potential scope, location or extent. In any case, possible future changes in the extent of advertising within the street scene are of little relevance to this proposal's more immediate, harmful effect on amenity. I have therefore given this factor very little weight.
14. For the above reasons, I conclude that the proposed advertisement would harm amenity. In accordance with the Regulations, I have taken into account relevant paragraphs in the National Planning Policy Framework 2021 and Policy DMS8 of the Wandsworth Local Plan Development Management Policies Document 2016, which seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

15. The appellant has made several other arguments in support of the proposal, including that it would provide a beneficial revenue stream for public services, being located on Council-owned land, and that it could be used for the display of public messaging and advertisement of local events. However, matters not relating to amenity and public safety fall outside the scope of this appeal, as defined in Regulation 3(1) of the Regulations. As such, these arguments do not provide justification for allowing a proposal which would be harmful to amenity, for the reasons set out above.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR