



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/N5660/Z/22/3306619

Arch 60-62, Albert Embankment, London SE1 7TP

Ordnance Survey Grid Reference 530411:178040

- 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 Network Rail against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/01845/ADV, dated 18 May 2022, was refused by notice dated 15 July 2022.
 - The advertisement proposed is described as '1no. 96 sheet digital LED advertisement display'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the site address given on the application form. The Council's decision notice gave the address as Railway Bridge at Vauxhall Cross Over, Kennington Lane, London. Based on the application drawings, there is no uncertainty as to the location of the appeal site.
3. The appeal included plans for an alternative 48 sheet (6.5m by 3.5m) advertisement display, which I have been invited to consider as part of the appeal process. These amended plans have not been subject to consultation with interested parties and the Council has also not had the opportunity to provide any evidence as to their acceptability or otherwise. There is a risk of prejudice to the interests of the Council and interested parties if the appeal proceeds on the basis of the amended proposal. Therefore, in accordance with the Wheatcroft Principles, I have considered the appeal on the basis of the plans which were before the Council when it determined the application.

Main Issues

4. 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 so far as they are material and any other relevant factors.
5. Therefore, the main issues are the effect of the proposed advertisement on amenity and public safety.

Reasons

Amenity

6. The appeal site is on the west face of an elevated brick railway viaduct at Vauxhall Railway Station. It fronts a wide, paved area along one side of Albert Embankment; a busy main road leading towards the River Thames Embankment and Lambeth Bridge. Vauxhall Bus Station is opposite the site, along with other large scale commercial buildings along Albert Embankment. The adjacent road junction connects with Vauxhall Bridge and also extends under the elevated railway towards the generally quieter area to the east.
7. There is an existing internally illuminated panel advertisement on the site, of the same width and height as the proposed digital LED replacement.
8. The site is within the Vauxhall Conservation Area (VCA) and Vauxhall Railway Station is a locally listed building (LLB). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the VCA. The site is also within defined Approaches to the Westminster World Heritage Site (WHS).
9. The significance of the VCA includes extensive 19th century expansion of the built environment around the nearby Vauxhall Pleasure Gardens, following the development of the railway. The elevated viaduct dates from this period and is a distinctive feature, reflecting this important phase of development. The viaduct divides the larger scale commercial buildings and major roads to the west of the railway from the generally lower rise, mixed residential and commercial area which forms the majority of the VCA, to the east.
10. The significance of the locally listed Vauxhall Railway Station particularly includes its decorative arched frontage, set into the viaduct, with brickwork above. Its setting takes in commercial premises around the forecourt of the bus station opposite, forming a fairly well-defined area around the arched station entrance. Although the appeal site is immediately below the station platforms, from street level it appears somewhat separate, on the opposite side of the railway bridge over the road.
11. The appeal site is part of a direct pedestrian route between the railway station and the Thames, from where public viewpoints are available towards the Westminster WHS, across the river. The supporting text to Policy Q19 of the Lambeth Local Plan adopted 2021 states that an uncluttered, well-ordered and attractive urban environment, including public realm, is key to maintaining suitable setting and approaches to the WHS. While Policy Q19 does not refer specifically to the advertisement consent regime, the Council's evidence elsewhere makes clear that managing the extent of advertising and other urban clutter, and its effect on the public realm, is a key consideration within the defined WHS Approaches.
12. There is a wide variety of advertising, signage and street furniture in the area around the appeal site, consistent with what is a busy, mixed commercial area. However, other illuminated signage, such as the fascia signage above businesses in the railway arches, is generally at a lower height and/or smaller scale, integrating more successfully with its surroundings.

13. In contrast, the existing large panel advertisement, installed at a high level on the wall of the viaduct, is a particularly conspicuous feature. It dominates the upper section of the railway viaduct and is a jarring feature against the brickwork. The Council's Officer Report highlights that this specific location is cited in the Vauxhall Conservation Area Statement as a problematic example of large panel advertising within the VCA. I likewise find that the existing advertisement is harmful to amenity, with particular regard to the character and appearance of the VCA and the WHS Approaches.
14. While the proposal would replicate the height and width of the existing panel advertisement it would have a greater depth, standing proud of the viaduct wall. Although no moving images or special effects are proposed, the regular changes in content would nevertheless draw increased attention. Suitable conditions could be imposed to manage the level of illumination in different ambient light conditions, in line with Institute of Lighting Professionals guidelines. On that basis, there is no substantive evidence that the proposal would be excessively bright. Nevertheless, the digital format, including changing images, would make the proposed advertisement even more eye-catching than the existing one, consequently increasing the level of visual intrusion.
15. Renewal of the advertisement in a modernised format would also perpetuate its harmful effect on the street scene, which is inconsistent with wider efforts to manage and enhance the quality of the public realm. Therefore, while I acknowledge that the site is an established location for advertising, and the number of signs would not increase, this does not neutralise the proposal's increased and adverse effect on amenity.
16. Given the separation between the appeal site and the distinctive front entrance to Vauxhall Railway Station, I do not find that there would be material harm to the setting of this LLB. However, that is a separate consideration from the wider harm to the significance of the VCA as a whole and to the quality of the public realm within the WHS Approaches.
17. My attention has been drawn to a 2018 appeal decision¹ relating to a similar proposed advertisement on the railway bridge next to the appeal site. That decision pre-dated the adoption of the current development plan and there is no evidence in the Inspector's decision that policies relating to management of the WHS Approaches were drawn to her attention. I also note that the Inspector gave weight to proposed enhancements to the supporting structure, whereas no similar enhancements have been highlighted in this case. Furthermore, since the advertisement on the railway bridge has subsequently been removed, the overall extent of advertising within the street scene has reduced since that appeal was considered. As a result, the single remaining large panel advertisement appears even more anomalous within its surroundings.
18. In short, circumstances have changed in a number of respects since the 2018 appeal was determined. Therefore, while I have had regard to that decision, I have reached a different conclusion based on the evidence before me.
19. I note that another replacement billboard has been permitted elsewhere within the WHS Approaches, however I have not been provided with any evidence as

¹ Appeal ref APP/N5660/Z/18/3200493

to the circumstances surrounding that site or to what extent it shares characteristics with the appeal site. I have therefore given this evidence very limited weight.

20. I conclude that the proposal would fail to preserve the character or appearance of the VCA and that it would be visually harmful to the WHS Approaches. For those reasons, it would have a harmful effect on amenity.
21. In accordance with the Regulations, I have taken into account the provisions of the National Planning Policy Framework and the development plan, so far as they are relevant. Policies Q5, Q6, Q17, Q19, Q22 and Q23 of the Lambeth Local Plan 2021 and the Council's Advertisements and Signage Guidance 2016 include requirements relating to amenity, including that proposals should provide an attractive and uncluttered public realm and avoid harm to the setting or significance of heritage assets. These policies are therefore relevant, to the extent that they are applicable to this proposal for advertisement consent. Given that I have concluded that the proposal would harm amenity, it conflicts with these policies.

Public safety

22. As described above, the proposed sign would be located in an elevated position adjacent to a busy road junction. The junction encompasses Albert Embankment and Wandsworth Road, to the north and south respectively, Vauxhall Bridge to the west, access to and from the bus station and traffic heading eastwards under the railway bridge. There are multiple lanes and therefore turning movements are relatively complex. The safety of vehicles and pedestrians is regulated by traffic signals, pedestrian crossings, directional signs and lane markings.
23. The existing large panel advertisement is already visible to passing traffic. From the perspective of traffic approaching from Vauxhall Bridge, it is located somewhat to the left of the traffic lights and significantly further back. Although it is visible from the highway, it is peripheral to the main line of sight for drivers at the junction and does not prevent the traffic lights and lane signage from being seen.
24. In the approach from the south, the existing advertisement is similarly set off to one side and is largely behind the much more visually prominent bus station in the foreground. The traffic signals on Wandsworth Road are seen against the background of the buildings and soft landscaping along Albert Embankment and the appeal site does not intrude. The existing advertisement becomes more visible to drivers turning right under the bridge, but the traffic signals and directional signs above the bridge are not obstructed.
25. No evidence has been presented that the existing advertisement has been the cause of vehicle accidents or otherwise deemed to be prejudicial to public safety. While the introduction of the digital LED format, with changing displays, would be more eye-catching, as outlined above, its location off to the side of the junction reduces the risk of distraction.
26. The consultation response from Transport for London did not raise any public safety concerns, subject to the imposition of a range of conditions to regulate the nature of the display and the brightness of illumination. While a detailed assessment of the location, as requested by Transport Lambeth, would have

provided further clarity on this point, based on the evidence before me, I find that any potential public safety issues could be appropriately managed through such conditions.

27. For the above reasons, I conclude that the proposal would not harm public safety, subject to imposition of appropriate conditions. As above, I have taken into account the provisions of the development plan, insofar as they are relevant. Policy Q17 of the Lambeth Local Plan requires that advertisements are not harmful to highway/public safety. Given that I have concluded that the proposal would not harm public safety, the proposal complies with this aspect of that policy.

Other Matters

28. I have noted that the Council's Advertisements and Signage Guidance 2016 refers in positive terms to an existing digital LED panel advertisement about 250m southwest of the appeal site. However, it is clear from the context that the Guidance is highlighting particular aspects of the design of that advertisement, including its distinctive supporting structure. The Guidance elsewhere highlights harmful aspects of large format panel advertisements, including adverse effects on heritage assets. The advertisement in question is also some distance from the appeal site, outside the VCA and therefore does not have the same effect on heritage assets as the appeal proposal.
29. Various benefits of the proposal have been highlighted, including general modernisation of advertising on Network Rail property, revenue to support investment in railway infrastructure, reduction of advertising in other locations, reduced waste and opportunities for public and community messaging. These encompass benefits arising from the overall upgrade of Network Rail's advertising portfolio and there is limited evidence of the extent to which such benefits are dependent on inclusion of the appeal proposal within this wider upgrade. Furthermore, those matters which do not relate to amenity or 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

30. Although I have concluded that the proposal would not harm public safety, it would harm amenity. 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