



Appeal Decision

Site visit made on 20 July 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 15th August 2023

Appeal Ref: APP/H5960/Z/22/3312773

**Advertising, Right Flank Wall, 145 Mitcham Road, Wandsworth,
London SW17 9PE**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Benjamin Porte, Clear Channel UK against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref. 2022/3777, dated 12 September 2022, was refused by notice dated 4 November 2022.
 - The advertisement proposed is the installation of an internally illuminated 48-sheet D-Poster digital display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's Refusal Notice refers to harm being caused to the outlook from residential windows. However although this is relevant, the main issue is the effect of the advertisement on the visual amenity of the host property, the streetscape and the settings of the Grade II listed Parish Pump and Grade II listed Church of St Nicholas.

Reasons

3. On the first issue, I saw on my visit that No. 145 Mitcham Road is a corner property with a right flank wall facing onto Church Lane. Mitcham Road widens to the south east from this point as the commercial buildings on both sides of the road are set well back. Church Lane adjoins a hard landscaped public space on its south eastern side with the signage 'Church Corner' and this space extends to Nos. 145-155 Mitcham Road, a group of commercial buildings. The public space also extends eastwards along the frontage of Church Lane to the boundary wall of the grounds of the Church of St Nicholas, with the latter's front elevation and tower an imposing feature in the streetscape.
4. The street layout referred to above combined with the Church Corner public space means that the immediate context of the flank wall of No. 145 is one of a discernibly open aspect in this part of Tooting, with the consequence that the proposed advertisement display would be particularly prominent, no doubt the reason for the application.

5. The flank wall is three storeys in height but has a relatively shallow depth. When seen against the immediately adjoining buildings in Church Lane that are single storey in height, this too increases the prominence of the site. Bearing in mind that existing advertisements in the area are for the most part at ground floor level in the form of shop fascias and hanging signs, I consider the principle of an advertisement in this elevated position to be out of character with this local town centre. I note that the planning history does include an historic consent for an advertisement hoarding but this was removed in 2015 and was not illuminated.
6. Moreover, in this case any harm to visual amenity would be compounded by the illumination, with the digital display of a 6.2m width x 3.2m height being significant as regards both the large proportion of the wall it would take up and the actual visual impact. There would be a range of views of the display from both sides of Mitcham Road and of Church Lane that would inevitably take in the proposed advertisement as well as the Grade II listed Parish Pump and Grade II listed Church of St Nicholas.
7. As designated heritage assets these provide an effective contrast to the commercial character of their surroundings both in terms of their aesthetics and particular historic interest. I consider that their setting would be compromised by the proposed advertising and that having regard to Government policy in Section 16: 'Conserving and Enhancing the Historic Environment' of the National Planning Policy Framework 2021 ('the Framework') this harmful effect merits great weight in coming to my decision on the appeal scheme. There would be 'less than substantial harm' as cited in the Framework and I share the Council's view that there are no public benefits that would outweigh this.
8. I have carefully considered the grounds of appeal. However, I do not agree with the views expressed in terms of either the specific site selected for the digital display or its effect on its surroundings, including the heritage assets. I also remain unconvinced that the proposed mode of operation and the suggested restrictions on lighting intensity achieved by conditions on a consent would be sufficient to ameliorate the significant intrusion and harmful effect on the visual amenity of the locality and the unacceptable effect on the listed buildings. In coming to this conclusion I have had regard to well over 100 objections to the advertising display. This strength of objection by local residents and including all the Council's concerns and a number of others merits significant weight in my appraisal.
9. I shall therefore dismiss the appeal. In reaching my decision I have had regard to the provisions of paragraph 136 of the National Planning Policy Framework 2021 which specifically refers to the 'poor siting' of advertisements. I consider the appeal scheme to be a clear example of an inappropriate siting, with its harmful effect on visual amenity exacerbated by the large size of the digital display.
10. For the reasons explained above, the appeal is dismissed.

Martin Andrews

INSPECTOR