



Appeal Decision

Site visit made on 22 August 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/A5840/Z/23/3319181

20-23 Camberwell Green, London SE5 7AA

- 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 Mr Sam Harrison of King Media Ltd against the decision of the London Borough of Southwark.
 - The application Ref 22/AP/3864, dated 8 November 2022, was refused by notice dated 20 March 2023.
 - The advertisement proposed is temporary static, illuminated shroud advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may only be exercised in the interests of amenity and public safety, taking account of cumulative effects. This position is supported by the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). The development plan policies put forward by the Council in its reasons for refusal are not determinative, but I have taken them into account in so far as they relate to amenity and public safety.
3. The description of development on the appeal form differs from that on the application form. No confirmation has been provided of an agreed change in description therefore I have used that as set out on the application form. From the evidence before me, the Council determined the planning application on the basis of an amended scheme, and so shall I.
4. As the proposal is in a conservation area and relates to the settings of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are the effect of the proposed advertisement upon amenity and public safety.

Reasons

Amenity

6. The appeal site is located within a busy commercial area and comprises four terraced Victorian properties, each four storeys in height, with commercial uses at the ground floor. The Council states that the upper floors of the appeal site

are predominantly in commercial or office use, with the exception of 20A Camberwell Green which is considered to be in residential use according to the Council's records. There is little evidence before me to suggest otherwise.

7. The appeal site occupies a highly prominent location within the Camberwell Green Conservation Area (CA), at the busy junction of Camberwell Green, Camberwell Road, Camberwell New Road and Denmark Hill. Importantly, the significance of the CA is derived from the junction of routeways at this point, and thus the appeal site is located at the core of the CA. The appeal site is within prominent view at the junction, and it is highly visible within long views from Camberwell New Road and Camberwell Road, and also from the open space at Camberwell Green. Consequently, the appeal site makes a highly significant and positive contribution to the character and appearance of the CA.
8. The illustrated scaffold shroud would be some 20.8m wide by 12.9m high and it would depict a 1:1 facsimile image of the building and it would provide a suitable form of screening for the properties during the forthcoming maintenance and repair works.
9. The proposed advertisement would be a static image inset within the illustrated shroud and it would be some 9.55m wide by some 6.41m. It would be positioned centrally to cover the first and second floors of the two central terraced properties at some 4.28m above the pavement. The proposed advertisement would be externally illuminated, by virtue of four overhead floodlights positioned just below the windows of the third floor and above the inset advertisement, with a proposed luminosity of 300cd/m². The proposed advertisement would be for a temporary period of 41 weeks.
10. While the proposed advertisement would be a relatively small proportion of the extensive shroud, it would nevertheless be of a considerable size. The advertisements that I saw during my visit to this busy commercial area included fascia signs, projecting signs, and those within the architectural detailing of some buildings, and they were all of a much smaller scale than that proposed. I did not see any large format poster panel advertisements, and as such, the proposed advertisement would be unusual within the area. Due to its scale, height and depth, together with its siting and positioning, it would thus appear as an incongruous and dominant feature within the street scene.
11. The proposed external illumination would draw further attention to the inset advertisement, particularly at night and/or during the hours of darkness as the illustrated shroud would not be directly illuminated.
12. The appeal site is in proximity to four grade II listed buildings, the significance of which is primarily founded on their fine architectural detailing to their principal elevations. The proposed advertisement would detract from the setting of the listed building at 2 Camberwell Church Street, which is located some 20m further to the east, and together with the appeal site, it is within prominent view from Camberwell Road and Camberwell Green.
13. Two further listed buildings are located diagonally opposite the appeal site, namely The Former London County Bank (17 Camberwell Green), which is prominently located at the corner of Camberwell New Road and Camberwell Road, and its neighbour at Number 15 and attached railings (15 Camberwell Green). Consequently, these two listed buildings make a positive contribution to the significance of the core of the CA, and the proposed advertisement

would thus affect their settings in terms of the way in which they are experienced. The listed building at 323 Camberwell New Road is further to the west and is seen on the westerly approach towards the appeal site, and the proposed advertisement would thus detract from its setting.

14. Consequently, the proposal would have a detrimental impact upon the visual amenity of the area. The harm caused would be highly significant, given the location of the appeal site at the core of the CA, even when taking account of the temporary nature of the proposal.
15. Having regard to my statutory duties under the Act, the proposed advertisement would fail to preserve the character or appearance of the CA, and it would harm the settings of the four listed buildings. Paragraph 199 of the Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. The harm I have identified is less than substantial. In such circumstances, the harm must be weighed against any public benefits of the proposed development.
16. The appellant states that the advertisement would display public art for a minimum period of six weeks by the Black Blossoms School of Art and Culture, who also support the proposal. The period of time over which this benefit would apply would be a relatively small proportion of the overall period of 41 weeks. While this element of the proposal would result in a temporary public benefit, there is no proposed mechanism before me to secure it. Furthermore, the appellant suggests that the works would have a long-lasting impact upon the CA. However, I cannot be certain that if I were to allow the appeal that the forthcoming works would be implemented, and there is no mechanism before me to secure that benefit. Even if there were mechanisms before me to secure these benefits, they would attract limited weight.
17. The appellant suggests that the illustrated shroud and advertisement would be of a high-quality material and screen the works, and thus it would have a positive impact upon the visual amenity of the area. However, the erection of a plain scaffolding shroud does not require planning consent, and would achieve the same outcome, and thus this benefit attracts very little weight. The appellant states that the proposed advertisement would provide income to be set against the costs of the maintenance and repair works, but this is not a public benefit.
18. Given the above, such limited public benefits would not outweigh the harm that I have found, to which I am required to apply great weight. The proposal therefore fails to satisfy the requirements of the Act and the Framework.
19. Overall, I conclude that the proposed advertisement would harm the visual amenity of the area. In so far as relevant to the interest of amenity, it would conflict with Policies D4 and HC1 of the London Plan 2021(LP); and Policies P13, P14, P19, P20, P21 and P43 of the Southwark Plan 2019-2036, 2022 (SP).
20. Taken together, these policies seek (among other things) to ensure high quality design and place-making; to conserve heritage assets in a manner appropriate to their significance; and to ensure that advertisements do not unacceptably harm visual amenity or the significance of heritage assets and their settings. The proposal conflicts with the Framework, which seeks to ensure that the quality and character of places does not suffer from advertisements that are

poorly sited and designed; and that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Public Safety

21. The appeal site is close to a very busy signalised junction, which includes pedestrian crossings across each carriageway, and marked lanes for turning right. There are two bus stops in proximity to the appeal site on Camberwell Green, serving at least 10 bus routes. The remaining roads to the junction include further bus stops with multiple services. Consequently, the volume and frequency of buses using the junction is high. During my visit I saw that the area was heavily trafficked with road users and pedestrians.
22. These above factors combine to inform my judgement that the appeal site is at a point on the highway where road users need to take more care, as set out in PPG¹. In order to navigate the junction safely, and be alert to and accommodate various highway users, road users would be required to have high levels of concentration on the approaches to the junction.
23. Although the image displayed would be static, the proposed advertisement would form a significant distraction to road users in this regard, due to its prominent siting, scale, height and width. It would appear within prominent view on the approach from Camberwell New Road and Camberwell Road. While the appellant opines that the proposed advertisement is a normal poster panel, it would be at a location where high levels of concentration are required. In the context of other advertisements in the area which are of a much smaller scale, it would thus be an unusual feature.
24. The proposed external illumination would draw further attention to the inset advertisement, particularly at night and/or during the hours of darkness when the illustrated shroud would not be illuminated. Transport for London (TfL) advises that according to widely accepted and well-established industry guidance²; the proposed illumination level of some 300cd/m² is the maximum for such an advertisement, and such a level is considered to be too bright at night. In this regard, TfL considers that such a level of brightness would be a distraction within a driver's field of view, and I have no reason to find otherwise.
25. I therefore find that the proposed advertisement would be a type of advertisement that would cause a danger to road users, and the brightness could result in glare and dazzle or distract users, particularly in misty or wet weather, as set out in PPG³. Even without the proposed illumination, or with a condition to limit the level and hours of illumination, the advertisement would be unacceptably prominent and be a distraction to road users.
26. Such a distraction in this locality, at a point where considerable concentration is required, would cause danger to other road users and heighten the risk of collision. The proposed advertisement would therefore not be in the best interests of highway and public safety.

¹ Paragraph: 067 Reference ID: 18b-067-20140306, Revision date: 06 03 2014; and Paragraph: 068 Reference ID: 18b-068-20140306, Revision date: 06 03 2014

² Institute of Lighting Professionals: Professional Lighting Guide 05 (PLG05) 'Brightness of Illuminated Advertisements'

³³ Paragraph: 068 Reference ID: 18b-068-20140306, Revision date: 06 03 2014

27. I therefore conclude that the proposal would result in an unacceptable risk to public safety. Insofar as it relates to public safety, the proposed advertisement conflicts with policies T2 and T4 of the LP, and Policies P43 and P50 of the SP.
28. Taken together these policies seek to promote healthy streets, reduce road danger, and ensure the safe operation of the highway. The proposal conflicts with the Framework, in so far as that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and that planning decisions should aim to achieve safe places.

Other Matters

29. A range of other matters have been raised by interested parties. However, as I am dismissing the appeal on the main issue, and consideration of these matters will not alter my decision, it is not necessary for me to address them directly.

Conclusion

30. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of amenity and public safety, and therefore the appeal should be dismissed.

J Moore BA (Hons) BPL MRTPI

INSPECTOR