



Appeal Decision

Site visit made on 29 June 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/N5660/Z/23/3315668

457-461 Brixton Road, Lambeth, London SW9 8HH

- 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 Justin Myers of Blow Up Media UK Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/04155/ADV, dated 2 November 2022, was refused by notice dated 19 January 2023.
 - The advertisement proposed is the display of a temporary decorative scaffold shroud screen advertisement printed onto PVC and comprising an architectural 1:1 image of the building facade with an inset advertising area measuring 12 x 7.5 metres externally lit by downlighters.
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Decision

1. The appeal is allowed and express consent is granted for the display of a temporary decorative scaffold shroud screen advertisement printed onto PVC and comprising an architectural 1:1 image of the building facade with an inset advertising area measuring 12 x 7.5 metres externally lit by downlighters, as applied for. The consent is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The express consent hereby granted shall be for a period of 12 months which shall begin on the date of the commencement of the display or 6 months after the date of this decision, whichever is the earlier.

Main Issues

2. The relevant Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Given this, I consider the main issues are the effect of the proposed advertisement on:
 - The amenity of the area, having regard to heritage assets including the Brixton Conservation Area (the CA) and the adjacent Grade II Listed Building, Reliance Arcade.
 - Public safety, with specific regard to pedestrian movement.

Reasons

Amenity

3. The appeal site is a prominent building with an art deco facade facing on to Brixton Road. The ground floor is currently occupied by two separate retail units.

4. The site is located in the CA, which is formed predominantly of ribbon development along Brixton Road and is broadly dominated by commercial uses at ground floor that sit tight to the footway. The CA comprises some areas stretching back from the main thoroughfare including, notably, the area to the east of Brixton Road comprising the market, of which the site forms a part. The significance of the CA is derived predominantly from its role as a thriving and culturally diverse commercial centre and the diversity of architecture that accompanies this. Its role as a historic centre of civic importance is also notable, as evidenced by the imposing buildings of Lambeth Town Hall, the public library and the Ritzy Cinema located around the junction with Coldharbour Lane to the south of the site.
5. The Grade II listed Reliance Arcade (the LB) sits adjacent to the site and is listed together with two other arcades forming part of the market. The official list entry describes the reasons for its designation to include its interior and the 'Egyptian style' façade at its eastern entrance on Electric Lane. The only part of the LB that would be affected by the proposals would be its western entrance from Brixton Road, which is not featured in the listing description. This entrance has been subject to works in recent years to significantly change its appearance, to include a chrome effect entrance canopy and a neon rainbow stretching the full height of the building.
6. The appeal site's planning history includes the granting of planning permission via appeal in 2014 for a temporary scaffold shroud screen advertisement comprising an architectural 1:1 image of the building facade with an inset commercial display area. This was granted in connection with planning permission for a scheme of redevelopment, of which the site formed a part. I have been provided a copy of the decision letter for the previous appeal, although I hold no further details of the approved plans or the associated planning permission. The Council also makes reference to a separate planning permission and its associated conditions, which appears to have been granted after the previous appeal. Again, I hold no substantive details regarding this permission.
7. The appellant advises that the works to the façade of the building were never completed under the planning permission connected to the previous appeal. The works subject to the current appeal are sought to enable additional works to take place. I hold no substantive details to confirm precisely what works were undertaken under any of the above-mentioned permissions, or why they were not completed while the previously consented scaffold shroud was in place. However, this may have been due to any number of valid reasons, and I have no compelling evidence to persuade me otherwise. I also hold no evidence to indicate that the works to the building would not take place during the period of consent for the appeal, were it to be granted.
8. What is clear in my mind, from the photographs submitted and my observations on site, is that the building is showing signs of deterioration. The works to the façade comprising repairs to brickwork, repointing and structural repairs, as described by the previous appeal decision, do not appear to have taken place in recent years. The appellant has submitted a 'Renovation Works Timeline' itemising the works to be undertaken over a 1-year period in connection with the appeal proposal. Given the current appearance of the building frontage, the building and wider area would benefit from these works being undertaken.

9. The proposed shroud would include an image of the art deco façade of the building on the border around the edges, with the advertisement sitting centrally. In determining the previous appeal, my colleague found that the scale of the advertisement would, when viewed in isolation, appear dominant and out of scale and character with its surroundings. Based on my observations, I find no reason to take a different view on this matter.
10. The Council has referenced an approved hoarding advert at 463-465 Brixton Road, which the Council considered acceptable. This sits immediately to the right of the appeal site as viewed from the street, and the advertisement was in situ at the time of my visit. Whilst I do not hold full details of what was permitted, the shroud I observed included printed elements of the brick façade of the building to the edges, with the advertisement element occupying the central portion. Although the overall area of the shroud and the advertisement of the appeal subject would be slightly larger, it would retain a more prominent border to the edges incorporating more detailed imagery of the building façade beneath.
11. The statutory development plan has changed since the previous appeal, and I also note that the Advertisements & Signage Guidance – January 2016 (the ASG) has since been introduced. Although the weight I attach to the ASG is limited to its role as guidance, I nevertheless ascribe it some weight. The ASG includes an image of what appears to be the appeal site whilst the advertisement granted by the previous appeal was in situ. The ASG notes that plain white shrouds would be preferable to this.
12. Whilst I acknowledge the circumstances have changed since the previous appeal with the revised development plan and the introduction of the ASG, I refer to the comments of my colleague in the previous appeal decision in respect of this matter. The decision notes that a plain shroud would have a deadening effect, creating a void in the otherwise vibrant commercial centre, and I consider this observation remains valid. There is an abundance of colour and illumination from the eclectic range of shop frontages and lighting schemes in the vicinity of the appeal site, including the adjacent neon entrance to the Reliance Arcade. The proposed shroud would retain a semblance of the existing building in its design and would create some visual interest that would be more in keeping with the vibrant surroundings than a plain shroud.
13. Whilst I note that some neighbouring buildings are locally listed, I am provided with very limited details of these buildings or their reasons for this designation. Although the proposal is sited adjacent to the LB, it would have no bearing on its significant features and accordingly I find no harm to the LB or its setting. However, having identified that some harm would occur to the area in visual terms, it follows that the proposals would fail to preserve or enhance the character or appearance of the CA as a whole, leading to some harm to its significance. However, this harm would be less than substantial, due chiefly to the short period of consent. The proposal would enable works to take place to the façade of the building that would significantly improve its appearance for years to come. Accordingly, I view this to be a clear public benefit that would outweigh the harm arising over the short period of consent.
14. I therefore find that the proposal would be acceptable in terms of its effects on amenity and would accord with Policies Q2, Q17, Q22 and Q23 of the Lambeth Local Plan 2020–2035 – Adopted September 2021 (the Local Plan), and Policy

HC1 of the London Plan – March 2021 (the London Plan). Together these policies seek, among other objectives, to support proposals if visual amenity is not compromised, for development in conservation areas to respect and reinforce the established, positive characteristics of the area, and to protect non-designated heritage assets and their settings. Although I have identified some conflicts with the guidance in the ASG, its overarching aims seek similar objectives to the development plan, which the proposals would comply with.

Public safety

15. The Regulations are clear that public safety can include the safety of persons using any highway. As such, the effects on public safety in respect of users of the Brixton Road footpath are a relevant consideration.
16. No specific details have been provided of any scaffolding or similar structure that may be required to support the proposals from below. At my visit I noted that the aforementioned adjacent installation at 463-465 Brixton Road did not include any scaffolding or supports below the shroud, meaning the footpath remained free of obstructions. However, even if the proposed installation were to require supports or scaffolding at street level, the necessary consents would be secured through other regulatory regimes.
17. Accordingly, the proposal would not adversely affect public safety and would accord with Policy Q17 Of the Local Plan and Policy T4 of the London Plan, which together seek, among other objectives, to ensure advertisements do not harm highway/public safety and development proposals do not increase road danger.

Conditions

18. The Council's submitted questionnaire notes that it does not consider any conditions other than the five standard conditions set out in the Regulations should be imposed in the event of the appeal being allowed.
19. Nevertheless, the appellant has suggested an additional condition to secure the consent for a period of 12 months, as sought by the application. I view this to be necessary and reasonable in the interests of amenity and in compliance with the Regulations. I have slightly amended the condition wording to align more closely with the wording of the Regulations.
20. The Council's officer report has alluded to potential conditions relating to the level of luminance and a construction management statement. However, I am provided with no compelling justification for the inclusion of these conditions and accordingly I do not find them necessary.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in my formal decision.

P Storey

INSPECTOR