



Appeal Decision

Site visit made on 20 September 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/N5660/Z/23/3323676

463-465 Brixton Road, 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 (Blow Up Media UK LTD) against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 23/00899/ADV, dated 17 March 2023, was refused by notice dated 16 May 2023.
 - The advertisement proposed is for a temporary decorative scaffold shroud advertisement.
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Decision

1. The appeal is allowed and express consent is granted for a temporary decorative scaffold shroud advertisement. The consent is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 1. The express consent hereby granted shall be for a period of 6 months which shall begin on the date of commencement of the display of the advertisement or 3 months from the date of this decision, whichever is the sooner.
 2. Written notice shall be given to the Council of the date of commencement of the display of the advertisement hereby granted within 7 days of its commencement.
 3. The advertisement hereby granted shall be removed at the end of the 6 month period specified in Condition 1.
 4. The inset advertising area within the shroud hereby granted shall not exceed 8m x 6m and shall only be displayed at the same time as the 1:1 shroud image.
 5. The advertisement hereby approved shall not display any moving, sequential or apparently moving images. It shall not display any images that resemble traffic signs, as defined in Section 64 of the Road Traffic Regulation Act 1984.
 6. No more than 4 lights shall be used to illuminate the advertisement hereby granted and they shall be positioned as shown on drawing PY3195/005. The intensity of illumination to the advertising area shall not exceed 300 candelas per square metre.

Preliminary Matters

2. A scaffold shroud screen advertisement was in place at the time of my visit, although the inset advertisement was wider than on the appeal scheme before me. For clarity, I am determining this appeal based on the submitted plans and details.
3. I have utilised and amended the description of the proposed advertisement from the decision notice and appeal form as this more succinctly describes the appeal proposal.

Main Issue

4. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

5. The appeal property is a 3 storey former bank which sits in a prominent location on Brixton Road, close to the junction with Coldharbour Lane. The building has a symmetrical frontage and is historically significant as it was designed and occupied by a local Architect. As a locally listed building, it contributes positively to the character and appearance of the Brixton Conservation Area (Conservation Area) which includes a range of attractive public buildings. A variety of uses and high levels of traffic along Brixton Road results in the area having a busy commercial character.
6. The appeal proposal is no different to the scheme that was granted previously by the Council¹. Reference has also been made by the main parties to a previous appeal decision² on the appeal site for a decorative scaffold shroud screen which was granted on a temporary basis. I note the Council's concerns that this proposal follows a number of temporary consents, but the appellant has set out that there has been delays in commencing building operations, including reference to delays in obtaining a licence for scaffolding from the highway authority. This was also the reason given for the scaffold being supported on the building itself, rather than the ground which the Council acknowledge is heavily congested with pedestrian traffic. Given this rationale, I do not consider that the provision of such scaffolding, indicates that it is solely for the purposes for displaying the advertisement rather than in connection with building works.
7. The proposal would be of a large size and at a high level, but the Planning Practice Guidance³ states that buildings which have scaffolding or netting around them may be suitable as temporary sites for shroud advertisements or large 'wrap' advertisements. The Council's *Advertisements & Signage Guidance Supplementary Planning Document* does state that plain shrouds will be sought in cases such as those in conservation areas, but it also states that where scaffolding is required, the proposal will be considered on their merits. As the shroud advertisement would be in place during proposed building works, I consider it would be preferable to a large area of scaffolding and netting.
8. As such, and given the proposal would be in a busy commercial area where there is a variety of other signage, I do not consider that the temporary nature

¹ LPA Ref: 22/00880/ADV

² APP/N5660/Z/17/3189939

³ Paragraph: 005 Reference ID: 18b-005-20140306

of the proposal would be visually harmful and nor would it be harmful to the significance of the Conservation Area.

9. I therefore conclude that the proposed advertisement would not have a harmful effect on the visual amenity of the area. It would also preserve the character and appearance of the Conservation Area.
10. I note that the various parties make reference to a number of development plan policies, and to the National Planning Policy Framework. Reference has also been made to other guidance. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.

Conclusion and Conditions

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
12. In addition to the standard conditions, I consider conditions are necessary to define the temporary period of consent, and for the removal of the advertisement to be specified, although on the latter, given the proposal is for a temporary duration, I consider reference within the condition to a period of 6 months is sufficient to achieve this. A condition is also necessary for the Council to be notified in writing of the commencement of the display of the appeal scheme.
13. It is necessary to limit the size of the inset advertisement display to 8m x 6m in the interests of visual amenity and the character and appearance of the Conservation Area. Conditions are also necessary for this reason and in the interests of public safety to avoid any moving or apparently moving images, to restrict advertisements that resemble traffic signs and to limit the number of lights and the intensity of illumination.

F Rafiq

INSPECTOR