The Planning Inspectorate

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: 19 October 2023

Appeal Ref: APP/H5960/Z/23/3315689
Advertising Right 6904 Flank Wall, 8 Tooting High Street, Wandsworth, London SW17 0RG

- 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 Miss Shamila Juma (JCDecaux UK Limited) against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2022/4219, dated 14 October 2022, was refused by notice dated 21 December 2022.
- The advertisement proposed is a single illuminated portrait display.

Decision

1. The appeal is dismissed.

Main Issue

2. The Council raise no objection to the proposal in relation to public safety, subject to the imposition of conditions. I have no reason to disagree.

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The appeal site comprises of the flank wall of a four-storey end-terrace building. Tooting High Street is a busy thoroughfare which comprises of a range of uses that are typical of a town centre location, with Selkirk Road also containing various commercial uses close to its junction with Tooting High Street. There are various locally listed buildings in the area, including 3 Selkirk Road and a number along Tooting High Street.

5. The proposed advertisement would replace an existing landscape advertisement that has been displayed continually for over 10 years. The proposal would be of a reduced size, less bulky and better fit with the shape of the building. It would however be illuminated and therefore be more noticeable than the existing advertisement, particularly at night.

6. There is a variety of signage in the vicinity of the site which contribute to the character of the area, but these are mainly fascia and projecting signs that are related to the use of the premises on which they are sited. Although there are high level lighting columns in the street, there are no illuminated advertisements in the immediate area at an elevated level like the proposal. Whilst I note the lawful position in relation to the existing advertisement, the proposal by virtue of its high-level positioning and illumination would have a detrimental effect on visual amenity. This would be irrespective of its location

outside a conservation area. Although the advertisement would only have static displays and the light output can be controlled, this would not mitigate the harm that I have identified.

7. The Council has raised concerns in relation to a number of locally listed buildings, although I have limited details before me on their significance. However, given the location of these buildings relative to the appeal site, there would only be oblique views between them, and I do not therefore consider the proposal would be harmful to these non-designated heritage assets.

8. For the above reasons, I conclude that the proposed advertisement would be harmful to the amenity of the area. I note that Council make reference to a number of development plan policies, and to the National Planning Policy Framework. 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.

Other Matters

9. I note the investment that would be made as a result of the proposal and the benefits of digital advertisements which avoid the printing and recycling associated with traditional displays that require manual changing. These matters would not however outweigh the harm that I have identified and are in any event, outside the scope of the regulations.

10. Reference has been made by the appellant to an appeal decision[1], but from details within the decision itself, it is clear the circumstances of that case differed from that before me as it relates to a site in a different local authority. As such, it is not directly comparable to the proposal before me, which I can confirm has been considered on its own merits.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

[1] APP/N5660/Z/21/3267831