



Appeal Decision

Site visit made on 21 December 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024.

Appeal Ref: APP/N5660/Z/23/3329043

Outside Arches on Addington Street, London SE1 7RY

- 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 Global against the decision of the London Borough of Lambeth Council.
 - The application Ref 23/01067/ADV, dated 31 March 2023, was refused by notice dated 13 July 2023.
 - The advertisement proposed is a digital poster panel.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. From my reading of the material submitted for the purposes of this appeal the main issues are the effect of the advertisement screen on:
 - The character and appearance of the local area.
 - Public safety as it relates to road users.

Reasons

Character and Appearance

5. The appeal site comprises the land adjacent to the footway and outside railway arches associated with Waterloo Railway Station, which front at this point onto the gyratory road system associated with Westminster Bridge, the A3036 and the A3200. The illuminated digital screen advertisement that is the subject of

this appeal is approximately 4x14 metres in size, supported on steel uprights and has a terminal height slightly in excess of approximately 9 metres. This was previously consented¹ in 2016, where it replaced 3 previous advertising hoardings. The proposal is for a renewed consent for the existing advertisement screen for a further 5 years.

6. On my weekday morning visit, the appeal site appeared to have a substantial presence on a busy transport gyratory system associated with significant inner London Roads and a Thames bridge. The nearby street corridors and the gyratory onto which the advertisement screen faces are lined with buildings of substantial scale with a mixture of late 19th and early 20th Century Buildings and recent commercial and hotel development, all buildings of substantial scale. The gyratory system onto which the advertisement screen faces, forms part of the approach across Westminster Bridge towards the Westminster World Heritage Site (WWHS). The advertisement is also visible in the background of views of the Grade II listed General Lying-In Hospital when viewed from York Road (A3200) where it joins into the gyratory.
7. I note that the Council's decision notice identifies the General Lying-In Hospital as a Non-designated Heritage Asset, However, in the other material submitted by both parties it is correctly identified as a Grade II Listed Building. Listed Buildings are heritage assets to which I have a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building.
8. The advertisement screen is prominent and widely viewed from around the gyratory system onto which it faces. Within this context, the size and position and illuminated nature of the digital advertisement screen results in it appearing as unduly prominent and incongruous. The brightness of the screen on the dull day that I visited was particularly noticeable and appeared excessive. It, therefore appeared as a visually dominating feature in the local street scape attracting my attention unduly, as I attempted to view the area and navigate the road system as a pedestrian. This impact is further compounded by the intermittent changing of the illuminated display which significantly draws the eye, further accentuating its visual prominence in the context of the local streetscape and visibility in background views of the Grade II listed General Lying-In Hospital.
9. Planning policy and practice develops over time, including that related to heritage assets, and since the previous consent for the advertisement screen, the London Borough of Newham Local Plan (2018) and the London Plan (2021) have been adopted. These include policies that relate to the duty on applicants and Councils to protect the Outstanding Universal Value of World Heritage Sites and their setting. Whilst the proposal does not appear to be visible in the foreground or background views of the WWHS, the advertisement screen is visible from locations on the gyratory on the approach to the WWHS from where there are also views of the WWHS. Within this context, the advertisement screen appears as visual clutter within the streetscene and in the approach to the WWHS.
10. The appellant has drawn my attention to other recent consents, including an Appeal, for advertisements in the wider local area, including within the approach to the WWHS. The Council have also noted a recent refusal for an

¹ Planning Ref: 16/03531/ADV

advertisement in the local area, also within the approach to the WWHS. These would have all been considered on their own individual merits and I have done likewise in my consideration of this appeal.

11. The advertisement screen results presents an unduly prominent and incongruous element within the streetscape of the local area and the approach to the WWHS, detracting from its visual amenity and not taking into account the setting of the Grade II listed General Lying-In Hospital. For the reasons given above, I find that the advertisement screen results in substantial harm to the established character and appearance of the local area and the approach to the WWHS and would result in moderate harm to the setting of the Grade II listed General Lying-In Hospital.
12. This would be contrary to Policies Q2, Q5, Q17, Q19, Q23 and PN1 of the Lambeth Local Plan (2021), Policy HC1 of the London Plan (2021) and Sections 12 and 16 of the Framework (2023) which collectively seek to ensure the quality and character of places, and that advertisements have regard to the local context and character of an area and its visual amenity, having due regard to the importance of conserving the significance of heritage assets, by being sympathetic to the assets' significance and appreciation within their surroundings.

Public Safety

13. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. The PPG further advises that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of display. The gyratory on to which the advertisement screen faces is a busy road system, with complex vehicle and pedestrian movements. The screen is visible in the background to the movement, including within the background to traffic signals for all road users.
14. When combined with internal illumination, the intermittent changing of the advert display, albeit with an almost instant transition, has the potential at this busy gyratory location to distract motorists and create visual confusion for road users as they approach and use the gyratory system, thereby posing a risk to pedestrians, cyclists and other road users.
15. The appellant has indicated that the advertising screen has the potential to have its luminance controlled automatically and to react to the time of day and year. This could be satisfactorily controlled by conditions that would ensure that the luminance remains within established guidelines. However, the advertising screen would be subject to instant changes between static adverts. This would still result in the prominence of an internally illuminated advert display, drawing the eye of road users where a high degree of observation of other road users and care is necessary.
16. From the material before me, it is evident that the local area has had a substantial number of collisions involving road users, including the more vulnerable modes, this includes the immediate vicinity of the advertising screen. Whilst the evidence provided does not indicate that the advertisement screen has been directly responsible for any of these collisions, the volume of all transport modes, including pedestrians and the complexity of vehicle

movements is taking place in an environment, where looking and visibility are a critical part of the safety of road users of all types.

17. When combined with internal illumination, the intermittent changing of the advertisement display, albeit with an almost instant transition, has the potential at this busy city gyratory location to distract motorists and create visual confusion for road users as they approach and use the gyratory and respond appropriately to traffic control signals and signage, thereby posing a risk to pedestrians, cyclists, and other road users.
18. For these reasons, I consider that the advertising screen has the ability to distract road users at a time when they should be paying due care and attention to the road related activity in its vicinity. The advertising screen is, therefore, harmful to public safety and would, therefore, conflict with the PPG in this regard.
19. For the reasons given above, I find that the proposed advertisement is substantially harmful to public safety as it relates to highway safety. Whilst I have had regard to the suggested conditions, these would not overcome the harm I have identified. The advertisement screen is, therefore, in conflict with saved policy Q17 of the Lambeth Local Plan (2021), Policy T4 of the London Plan (2021) and paragraph 141 of the Framework, which collectively seek to ensure that advertisements do not constitute a road safety hazard and are not harmful to public safety.
20. The appellant has set out that the advertisement screen delivers public benefit through the use of the screen for the promotion of local businesses and charities. In the material before me, the extent of this advertising benefit is not defined, and no such advertisements were evident to me on my site visit. The appellant has also set out that the advertising screen replaced 3 previous advertisement hoardings on the site. Although these appear to have a larger combined display area than the advertisement screen, these were not internally illuminated screens with intermittent changes of advertisements with the effects I have identified above. I find therefore that the public benefits of the advertisement screen appear as being marginal at best.

Planning Balance and Conclusion

21. I have given significant weight to the consent for the advertisement screen for 5 years in 2016 and the conditioned control of illumination. However, my considerations have also been on the basis of the actual effects of the screen in situ and the revised policy context. Whilst the advertisement screen has limited public benefits, as set out above, I find that these do not outweigh the significant harm to the visual amenity of the area and the approach to the WWHS, the moderate harm to the setting of the Grade II listed Lying In Hospital and the substantial harm to public safety I have identified. Accordingly, I conclude that dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR