



Appeal Decision

Site visit made on 14 February 2024

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

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/N5660/Z/23/3329423

2-3 Clapham Common South Side, London SW4 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 King Media Ltd against the decision of the London Borough of Lambeth Council.
 - The application Ref 23/02026/ADV, dated 21 June 2023, was refused by notice dated 21 August 2023.
 - The advertisement proposed is the temporary display of an unilluminated shroud advertisement.
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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 Government published the revised National Planning Policy Framework (the Framework) on 19 December 2023. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issue

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 proposed advertisement on:
 - The character and appearance of the local area, with reference to Clapham Common Conservation Area (the CCCA) and the setting Clapham High Street Conservation Area (the CHSCA); and
 - public safety as it relates to users of the highway.

Reasons

Character and Appearance

5. The appeal site is made up of a pair of 19th Century four storey terraced properties, with retail at ground level and what appears to be residential use on the upper floors. These are in a corner location close to where Clapham Common South Side continues into Clapham High Street, at the junction with Clapham Park Road.
6. Through the designation of the CCA the Council has recognised the local area within which the appeal dwelling sits as a heritage asset. The significance of which sits in the open common and in the 18th and 19 century properties surrounding, including the properties on the appeal site, which are located near to the boundary of the CCA and the CHSCA and forms part of its setting.
7. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
8. A non-illuminated shroud is proposed that would cover a scaffold to be installed to the full front elevation of the properties that form the appeal site, to facilitate repair works. The proposed static non-illuminated advertisement would be approximately 7 metres tall and 5.4 metres in width and centrally positioned just above the fascia signs of the shops. A previous appeal¹ was dismissed for a shroud with an externally illuminated advertisement of the same size and position on the appeal site.
9. Although the proposal in this instance is for a non-illuminated advertisement, given the corner position of the appeal site and the size and elevated position of the proposed advertisement, it would appear prominently in views within the local area. These would be from within and towards the CCA, as well as in views from within and towards the CHSCA. Whilst the immediate local area, leading towards Clapham High Street, has many advertisements associated with retail and commercial uses, these are generally restrained and at shop fascia level or below.
10. Within this context, the proposal would result in an unduly prominent, incongruous and dominating installation, which would be in stark contrast to the existing streetscape of the local area and its established character and appearance. As such, the proposal would fail to maintain the significance of the CCA and would be detrimental to the setting of the CHSCA. Although I am mindful that the effect of the proposal on the local area and the CCA and the setting of the CHSCA would only be for a temporary period, during this period the visual effect of the proposal that I have identified would result from the proposal.
11. For these reasons, I find that the proposal would be significantly harmful to the appearance of the local area, would cause moderate harm to the setting of the CHSCA and would fail to preserve or enhance the character and appearance of the CCA. In the context of paragraph 208 of the National Planning Policy

¹ Appeal Ref: APP/N5560/Z/19/3233590

Framework (2023) (the Framework), the harm I have identified to the significance of the CCA would be less than substantial.

12. This would not accord with design guidance set out in the Lambeth's Advertising and Signage Document (2016), Policies Q2, Q5, Q17, Q20 and Q22 of the Lambeth Local Plan 2020-2035 (2021) (the Local Plan), Policies D8 and HC1 of the London Plan (2021) and paragraph 141 and Section 16 of the Framework. These collectively seek to ensure the quality and character of places, including public realm, and that advertisements have regard to the local context and character of an area and its visual amenity, preserving or enhancing the appearance or character of conservation areas.

Highway Safety

13. Whilst the Council have raised concerns with regard to road users being distracted by the proposed advertisement, their decision notice only makes mention of the scaffolding structure that would support the advertisement having a constraining effect on the footway.
14. From my site visit, I find that, as the proposal is static and non-illuminated, it would not have an unduly distracting effect that would result in an unsafe environment for highway users. Further, although the appeal site is located between two light controlled junctions with pedestrian facilities, the proposed scaffolding would not sit within the pedestrian waiting spaces for these facilities. The extent to which the proposed scaffolding would project into what is a generous width of footway would not necessarily have such a constraining effect on the width of the usable footway.
15. For these reasons, I do not find that the proposal would constrain pedestrian movement to the extent that it would necessitate pedestrians having to step in to the carriageway. The proposal would not therefore appear to result in any harm to the safety of pedestrians using the highway. I am also mindful of the necessity for such scaffolding on the highway to be licenced through a separate process, and that any additional measures thought necessary to protect highway safety will form part of the considerations in this process.
16. As such I find that proposal would not result in any harm to public safety and would accord with Policies T1 and Q17 of the Local Plan in this regard, and with Policy T4 of the London Plan (2021) and Section 9 of the Framework. These collectively seek advertisements that do not constitute a road safety hazard and are not harmful to public safety. Lack of harm in this instance is a neutral factor in my considerations.
17. The appellant has set out the benefits of the income that would be generated from the proposed advertisement to the funding of the repairs of the properties on the appeal site. Whilst the repair of the buildings within a conservation area and in the setting of a conservation area would have a public benefit, the main benefit of the advertisement is limited to the funding of these repairs and the advertisement itself would not result in any significant public benefit.

Planning Balance and Conclusion

18. The income generated by the advertisement, although providing a source of funding for repairs of properties on the appeal site, would be more substantially

a private rather than a public benefit. Set against the substantial harm to the character and appearance of the local area, the moderate harm to the setting of the CHSCA and the less than substantial harm to the significance of the CCA that I have identified above, I do not find that the benefits of the proposal outweigh this harm. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR