
Appeal Decision

Site visit made on 29 February 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.03.2024

Appeal 'A' Ref: APP/N5660/W/23/3324765

Pavement outside of 200 South Lambeth Road, London SW8 1UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Johnston against the decision of the Council of the London Borough of Lambeth.
 - The application ref. 23/00919/FUL, dated 20 March 2023, was refused by notice dated 31 May 2023.
 - The proposal is for the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display.
-

Appeal 'B' Ref: APP/N5660/Z/23/3324766

Pavement outside of 200 South Lambeth Road, London SW8 1UT

- 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 Thomas Johnston against the decision of the Council of the London Borough of Lambeth.
 - The application ref. 23/00920/ADV, dated 20 March 2023, was refused by notice dated 31 May 2023.
 - The appeal proposal is for the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the replacement and upgrade of an existing illuminated and advertised enclosed telephone kiosk with a multifunctional communication Hub including advertisement display at the pavement outside of 200 South Lambeth Road, London SW8 1UT in accordance with the terms of the application, Ref 23/00919/FUL, dated 20 March 2023, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and express consent is granted for the replacement and upgrade of an existing advertisement display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions in the attached schedule.

Preliminary Matter

3. There are 2 appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.

Main Issues

4. The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area, including the setting of the Listed Buildings at 202-218 South Lambeth Road. The main issues in respect of Appeal B are the effect of the proposed advertisements on the visual amenity of the area.

Reasons

5. The appeal site relates to an area of pavement on the South Lambeth Road opposite the junction with Tradescant Road. The footway at this point is set against a backdrop of mature trees and planted raised beds that separate the adjacent Bishops House terrace from the public highway. In terms of existing street furniture, amongst other things there is a single telephone kiosk plus a number of cabinets, bicycle rack, traffic lights, lamp posts and street signs in the immediate setting.
6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Paragraph 199 of the National Planning Policy Framework (the Framework) advocates that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
7. The existing kiosk and cabinets are located at the back of the footway on the boundary with the local vegetation. The proposed Street Hub would be situated adjacent to the roadside. Whilst this may be a more prominent position, to my mind the impact on the locality and the setting of the listed terrace at 202-218 South Lambeth Road would not be significantly greater than that which would arise as a result of the extant permission granted previously by the Council under references 21/04836/FUL and 21/04837/ADV. As such, the scheme would not appear discordant given this context.
8. In respect of the appearance of the Street Hub, its modern design and dark materials would be in keeping with the colour and design of other street furniture in the area allowing it to integrate well with its surroundings. In terms of the proposed advertisements, there are other examples in the streetscene, including signs on nearby retail premises. The appeal site is in a neighbourhood where such premises would also be illuminated in the evening and where the street would be well-lit by regular street lamps. The illuminated advertisements would therefore not appear out of place.
9. With regard to Appeal A I conclude that the proposal would assimilate with the character and appearance of the area, including the setting of the Listed Buildings at 202-218 South Lambeth Road. It would meet Policies Q2, Q6, Q17

and Q20 of the Lambeth Local Plan 2015 (LP), which together attempt to encourage walking, cycling and public transport use by ensuring the public realm is well-designed and attractive. It would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development and it is desirable for new development to make a positive contribution to local character and distinctiveness.

10. In terms of Appeal B, and in accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy Q17 of the LP seeks to ensure advertisements are well-designed and well-integrated within the public realm. As such, this is a material consideration insofar as it relates to this appeal.
11. I conclude, therefore, that the advertisement would not have a harmful effect on the visual amenity of the area. The scheme would meet with the objectives of the above policy.

Conditions

12. For Appeal A, I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with those proposed in the application particulars would provide for a satisfactory appearance.
13. To protect the character and appearance of the area and the function of the public realm, it is also necessary to impose a condition requiring the existing telephone kiosk close to the appeal site to be removed and the footpath reinstated before the Street Hub is installed. A condition preventing the obstruction of the highway is required in the interests of safety.
14. For Appeal B, a series of standard conditions are applied as required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, including limiting the consent to five years. In addition, in the interests of visual amenity and highway safety and to accord with the application form, I have restricted the the intensity of the illumination of the adverts.
15. Also, to further ensure highway safety is not compromised it is necessary to impose conditions controlling the frequency of change in display of the proposed adverts, as well as to restrict other visual effects that could cause a distraction to drivers.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B are allowed.

C Hall

INSPECTOR

Schedule of conditions (Appeal A)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, 1:200 block plan, existing and proposed views, comparison elevations, footprint reduction.
- 3) The external finishes of the development hereby permitted shall be constructed in accordance with the materials identified in the application form and approved drawings and shall be retained thereafter.
- 4) No development shall take place until the existing telephone kiosk at the site has been removed and the footpath reinstated.
- 5) The footway and carriageway on the Transport for London Road Network and Strategic Road Network must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.

Schedule of conditions (Appeal B)

- 1) The advertisements permitted by this consent shall be carried out in accordance with the following approved plans: 1:1250 location plan, 1:200 block plan, existing and proposed views, comparison elevations,
- 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 cd/m² at all times.
- 3) The minimum time between successive displayed images of the advertisements permitted by this consent shall be 10 seconds and any sequential change between advertisements will take place over a period no greater than 1 second.
- 4) The advertisements permitted by this consent shall have no special effects (including noise, smell, smoke animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind.