



Appeal Decision

Site visit made on 23 October 2023 by A Khan BSc (Hons) MA

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/H5960/Z/23/3324410

204 Tooting High Street, Wandsworth, London SW17 0SG

- 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 Wildstone Group Limited against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2022/4936.
 - The development proposed is installation of an externally illuminated 48-sheet D-Poster digital display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In July 2023, the Council adopted the Wandsworth Local Plan 2023-2038 (LP). The LP fully replaces and consolidates the policies and site allocations in the previously adopted Local Plan, including the Development Management Policies Document (2016). Accordingly, I shall consider this appeal having regard to the most up-to-date policies, on which the main parties have had the opportunity to comment as part of the appeal process.
4. The Government published in December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
5. The description of the proposed advertisement provided in the application form has been amended in subsequent documents. I have adopted the description provided in the Council's Decision Notice as it accurately reflects the appeal proposal.
6. The control of advertisements is confined to the issues of amenity and public safety. No concerns have been raised by the Council regarding public safety. Having regard to the available evidence, I see no reason to disagree.

Main Issue

7. The main issue is the effect of the proposal on amenity.

Reasons for the Recommendation

8. The appeal site lies prominently at the junction of Tooting High Street and Blackshaw Road, and comprises commercial premises at ground floor level, with residential units above. The commercial character of Tooting High Street contrasts with the predominantly residential nature of adjoining side streets, which typically comprise two and three-storey terraced properties.
9. The proposed advertisement would be displayed within proximity to Tooting High Street but would be positioned on Blackshaw Road, which forms part of an established residential area. The flank walls in this area, particularly along the side streets, are generally free from advertisements. The proposal would be highly visible on this open road as well as to southbound traffic on Tooting High Street.
10. The proposed illuminated display would replace an existing hoarding which is not illuminated and therefore significantly different in visual perception and management. Whilst the brightness of the proposed advertisement could be controlled by condition, and despite its proximity to a highway junction with traffic signals and other apparatus, the moving images would make the display more noticeable. The host building's gable wall is a noticeably different colour, texture and material to the proposed advertisement, which would therefore unduly stand out. For these reasons, but also due to its location on Blackshaw Road, siting at first floor level and excessive scale, the proposal would appear as an incongruous addition, which would dominate the street scene and detract from the residential character of Blackshaw Road, thus significantly harming the visual amenity of the area.
11. The appellant explains that as part of the proposal, two existing hoardings would be removed, and the appeal scheme would overall lead to a 67% reduction in advertising area. However, only two advertisements were displayed on the gable end of the appeal building at the time of my site visit. Furthermore, the Council's submissions indicate that the existing hoardings do not benefit from advertisement consent, and this is not disputed by the appellant. I also understand that the Council is carrying out an enforcement investigation. I therefore ascribe very limited weight to the suggestion that the appeal scheme would overall enable a significant reduction in advertising area.
12. There are residential properties on the opposite side of the road at 202 Tooting High Street, and the proposal would be directly facing several first and second floor windows serving habitable rooms. I accept that the proposed display would be sited in proximity to a highway junction, which has traffic and street lighting, but this is orientated towards the road network and does not have a direct impact on these neighbouring windows. The scale and moving images would be dominating and especially prominent at night which could lead to sleep disturbance. This would have an adverse impact on the amenity of these neighbouring occupiers.
13. However, this can be mitigated by the conditions suggested by the appellant, such as switching off the display between 23:00 and 06:00 and reducing the

level of illumination at night. This would ensure that the disturbance to residents would be minimised to an acceptable degree.

14. I have had regard to the benefits of digital advertising listed by the appellant but these are outweighed by the harm which the proposal would cause to amenity. The removal of multiple sites and reduction in clutter is not considered relevant to this particular case as the appeal site has no existing advertisement consent to compare with the proposal.
15. Whilst I have found that, subject to conditions, the effect of the proposal on the living conditions of neighbouring residents could be mitigated, the appeal scheme would nevertheless cause significant harm to the amenity of the area. It would therefore conflict with LP Policy LP9, which requires advertisements to be well integrated and respect local context. The proposal also fails to meet the aims of paragraph 141 of the Framework, which explains that the quality and character of places can suffer when advertisements are poorly sited and designed. I have also had regard to LP Policies LP1 and LP2, but these focus on development proposals. Advertisements are not development, therefore these two policies are not directly relevant to the appeal scheme before me.

Other Matters

16. The appellant has referred to another example at 217 Garratt Lane (Local Planning Authority Reference 2019/4528), but this relates to an advertisement sited in a highly commercialised area with less residential prominence. I have also had regard to the appeal decision at 306 High Road in Leyton (APP/U5930/Z/17/3186842), which is located in a different London Borough. Having regard to the available evidence, I therefore do not consider that the circumstances of these particular schemes represent a direct parallel to the appeal proposal, and have ascribed them very limited weight.
17. Concerns regarding energy costs have been raised by interested parties. However, advertisements should be subject to control only in the interests of amenity and public safety, and this is therefore not something which I have considered further as part of this appeal.

Conclusion and Recommendation

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

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation. Whilst it would be possible to ensure that, subject to conditions, the disturbance to neighbouring residents is minimised to an acceptable degree, this would not outweigh the harm which the proposal would cause to the amenity of the area. On that basis the appeal is dismissed.

S Edwards

INSPECTOR