
Appeal Decision

Site visit made on 6 June 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/A5840/Z/23/3331291

280 Borough High Street, Southwark, London, SE1 1AU

- 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 London Lites Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 23/AP/2131.
 - The advertisement proposed is described as 'Replacement of an existing internally illuminated Lightbox Advertisement Display with a smaller internally illuminated LED Digital Advertisement Display'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans during the period the application was under consideration by the Council. For the avoidance of doubt, I have determined the appeal on the basis of the amended plans.
3. Whilst the proposal refers to the replacement of an existing internally illuminated advertisement board, I saw that the an advertisement board was no longer present at the site. Nonetheless, I understand that an internally illuminated advertisement previously existed on this site.

Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area and the effect on public safety.

Reasons

Amenity

5. The appeal site forms part of a large, grassed area comprising of amenity land that includes a number of trees. The site lies between the highway at Borough High Street and the 5 storey linear apartment block, Redman House. The 13 storey tower block, also forming part of the Redman House Estate, is located to the north. Bounding the opposite end of the appeal site is a 7 storey apartment block, located on the corner of the junction of Great Suffolk Street with Borough High Street. As a sizeable area of open space with a verdant character, the appeal site makes a positive contribution to the amenity of the area and as green space, provides visual relief from the urban environment.

6. The proposed advertisement would be sited to the edge of the amenity area. It would comprise of an internally illuminated freestanding sign with an overall height in excess of 6.8 metres, including stand, and a width of some 3.1 metres. It would have a portrait orientation. As a result, in views from the amenity area, the structure would have significant scale, with its overall height similar to that of the top of the second floor windows of the adjacent apartment block. It would also become a substantial structure in views along the adjacent highway. In both of these views, owing to the dominance of the structure and the extent of its frequently changing illumination, it would appear as a prominent, inharmonious and visually intrusive feature that would be at odds with the area's verdant character, diminishing its positive contribution to the visual amenity of the area.
7. I accept that there was previously an advertisement in this location, however, it was significantly lower in height, having a landscape orientation, and was an internally illuminated poster rather than comprising of a frequently changing LED screen. Such a sign would likely have been significantly less obtrusive in this location. Moreover, I note that the situation at the site has changed since the previous sign was approved in 2013, with the site now lying adjacent to the tall apartment block.
8. I therefore conclude that the proposed sign would, by reason of its height, size and illumination, adversely affect the visual amenity of the neighbourhood of the site.
9. The Council is concerned that the proposed advertisement would be visually intrusive in views from the surrounding residential developments and in particular, would disturb the occupiers of the lower floor flats of the 13 storey tower block. However, given the separation distance, the urban location, and the presence of intervening trees, I am satisfied that the proposed advertisement would not result in significant disturbance to the occupiers of those properties.
10. Nonetheless, for the above reasons, the proposal would adversely affect the visual amenity of the area. The proposal would therefore conflict with paragraph 141 of the National Planning Policy Framework. I have taken into account Policy D4 of the London Plan (2021) (the LP) and Policies P13, P14 and P43 of the Southwark Plan (2022) (The SP) which seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.
11. Having regard to my reasoning at paragraph 9, I have not found a conflict with Policy 56 of the SP which, in summary and insofar as it relates to this appeal, seeks to ensure new development preserves the living conditions of neighbouring occupiers.

Public Safety

12. The appeal site lies adjacent to the junction of Borough High Street, Great Suffolk Street and Trinity Street and includes a pedestrian crossing. Due to its position, the advertisement would only be visible to traffic travelling southbound on Borough High Street. Taking into account the considerable stretch of straight road leading to the junction, and its position, I am satisfied that it would be visible for a reasonable distance from within a vehicle approaching the junction. This would provide sufficient time for the illuminated

advertisement to be seen by drivers without it causing any confusion or sudden visual disturbance when approaching the junction. As such, I do not consider that its position on the north side of the road would result in any materially greater distraction to drivers travelling southbound.

13. Whilst this is a busy junction with a pedestrian crossing, there is no evidence before me which suggests that either the junction or highway in the immediate vicinity of the appeal site is inherently dangerous or prone to accidents. Although I accept that the nature of the proposed advertisement would provide some degree of distraction, I do not consider that this would amount to an unacceptable effect on the safety of motorists or pedestrians using the highway in the vicinity of the site. Furthermore, I do not consider that it is reasonably likely that the advertisement would cause such a distraction that it would divert drivers' attention to such an extent that they would not pay due attention to the surrounding highway environment and potential risks.
14. I therefore conclude that the advertisement would not significantly harm public safety. In its reasons for refusal, the Council cited Policies T2 and T4 of the LP, Policies 43 and 50 of the SP and the provisions of the Framework, which together seek to ensure that proposals for advertisements have regard to the potential impact on highway safety. I have taken into account these policies, but I have not found a conflict with public safety.

Other Matters

15. As set out in the Planning Practice Guidance, if the locality where an advertisement is to be displayed has important historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.
16. The site is located within the vicinity of 2-12 Trinity Street¹, a Grade II listed building. It is therefore within its wider urban setting. Given the separation distance and the extent of intervisibility between the site and the listed building, I am satisfied that the proposal would not adversely affect its setting. The appeal site also lies within the wider setting of the Liberty of the Mint Conservation Area (the CA), the boundary of which is located further north along Borough High Street and Lant Street. However, views of the sign from the CA are unlikely to be possible. Given the extent of vegetation at the appeal site, the distance from the CA boundary, and the character of the streetscene around the appeal site, I conclude that the proposal would not result in harm to the setting of the CA. Therefore, notwithstanding my above conclusion with regard to visual amenity, the proposal would not result in harm to the setting of heritage assets. I note the Council concluded similarly.

Conclusion

17. Although I have found that the advertisement would not have an unacceptable impact on public safety, it would harm the visual amenity of the area. For the reasons given above the appeal is dismissed.

Paul Martinson

INSPECTOR

¹ List Entry Number: 1386001.