



Appeal Decision

Site visit made on 7 June 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/A5840/Z/24/3342902

19A Borough High Street, London SE1 9SF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 24/AP/0118 dated 15 January 2024 was refused on 8 March 2024
 - The advertisement proposed is Advertisement adjacent to gable wall of 19 Borough High Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and public safety. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
3. The site is located within the setting of a statutorily listed Grade II listed building and within the Borough High Street Conservation Area. No works or development is proposed to the listed asset although the appeal site is within its setting. Therefore, as the proposal relates to the setting of a listed building and development within the CA, I have had special regard to section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act). The proposal would be attached to a building that is locally listed by the Council since around December 2023, and is therefore a non-designated heritage asset.
4. The address of the appeal site is documented as 19A Borough High Street. The Council refer to it as 19 Borough High Street. The location plan identifies the site as 19 Borough High Street. Irrespective of the address, I do not consider anyone is disadvantaged by the discrepancy with this address.
5. An existing advert is displayed on the site and I am made aware of a previous Inspector's decision.¹ A further application for advertisement consent at the site was approved by the Council.² These decisions are a material consideration.

¹ Planning appeal reference APP/A5840/Z/15/3136603

² Application No. 16/AP/0358

Main Issues

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

Reasons

Amenity

7. The Grade II listed Post Office 19A Borough High Street (List entry number 1378344, listed 26 September 1972) was the ward block of St Thomas's Hospital and is now occupied by a post office at ground floor. Its special interest derives from its historic origins and architectural execution. Built between 1842 and 1844, late Georgian in style and built from Portland stone over three stories. There is a refinement to its character with rusticated ground floor and bay, blind window set in reveal and 18 panel timber sash windows set in moulded architraves with bracketed cornice. Doric pilasters and dentilled entablature contribute to its historic construction. The listed building is a positive contribution to the local area.
8. The extant advertisement was in situ after the building was added to the statutory list. Whilst that advertisement is not physically attached to the listed building, it is within its curtilage and forms part of its immediate setting. The extant sign is attached to a locally listed building, and this was locally listed after the sign was installed. Both buildings are located within the Borough High Street Conservation Area (CA). The CA is significant for its roots, laid out in Roman times with the advent of a bridge crossing the Thames and its commercial context dating from before the 16th Century. Its architectural variety of old warehouse buildings, classical architecture of narrow building frontages along a medieval street pattern, the revered Borough Market under the railway lines and the courts, yards and alleys that interconnect, create a characterful and distinctive identity to the urban fabric of the locality.
9. There is presently a digital sign displayed on the flank wall of Number 19 Borough High Street that sits forward of the listed Number 19A Borough High Street, perpendicular to it. An advert continues to be displayed here. The extant advert is an intermittent LED digital sign with its content changing every ten seconds or so.
10. The proposal seeks to change the extant display to a new digital sign that includes motion content at a size of approximately 4m x 6m. I consider that the appeal turns upon whether the proposal would reduce or increase harm, or have a neutral effect, compared to the extant advert.
11. Whilst I appreciate the existing sign is located in a prominent position, the proposed animation would be a more striking display, and this type of animation coupled with its changing display of a bright and digital content would be a more eye-catching feature than the extant static display, even with no intermittent or flashing lighting. Its dominance would be made more obvious as I could see from my visit that this style of animated digital display is not common within the local area.
12. The surroundings in which a heritage asset is experienced is not fixed and may evolve and change over time. Presently, the extant advertisement forms part of the surroundings that the listed building is experienced within and as per the

previous Inspector's decision, they considered the advert would preserve the setting of the listed building.

13. However, this extant sign is static and has been displayed for a number of years and is acclimatised into its environment. The dynamic of motion within an advert would create the vibrancy of movement that is acutely different to static advertising, appearing visually strident here. The listed building forms a positive contribution to local character and distinctiveness. It would visually compete with and divert attention away from the listed building that sits in close quarters to the appeal site. This would materially detract from how the heritage asset is experienced in this location. As such, the contribution that setting makes to the significance/special interest of the listed building would be harmed and not preserved, in accordance with the Act.
14. Furthermore, the site is located in a CA whereby its effect upon the CA requires consideration as a whole. The extant advert was considered by the previous Inspector to have a neutral effect upon the character and appearance of the CA. He did however include a planning condition to restrict its display 'not to display moving or apparently moving images'. This is material in my consideration of this appeal before me.
15. The proposed advert, using motion animation would add a new and uncharacteristic advertising dimension to the CA, one where, apart from the existing digital display attached to the gable, signage is generally limited to low level and closely associated with the business it is attached, or a limited number of large advertising attached to the railway bridge. The use of motion content within the advert would lead to a more visually obvious form of advertisement, over and above that of the existing static display. Its moving character as a new feature would be clearly visible in longer range views from the key approach into the CA from London Bridge. Its illuminance can be controlled by condition. However, I do not have sufficient information before me to determine that reducing its illuminance levels at night would mitigate any potential for additional glare caused by the animation of the screen. There may be motion adverts within other CA's in London although I am required to consider the precise context of the appeal.
16. I find the proposed advert would not be well assimilated into the amenity of the local area, negatively detracting from the high-quality townscape that is an intrinsic component of the character and appearance of the CA. There would be a degree of harm to the CA as a consequence of this new advert that would adversely weaken the CA. Therefore, it would not preserve or enhance the character or appearance of the CA in accordance with the Act.
17. The building to which it is attached became a non-designated heritage asset and locally listed after the extant sign was installed. Its significance derives from its architectural detail of stuccoed frontage and triple round arched windows set in recesses. I am mindful of the previous Inspector's comments that the gable end is 'plain and uninteresting'. The impact the existing signage had on the building was considered by the Council when it deemed it worthy of locally listing. In this particular location, attached to the gable end, the front elevation would remain largely unchanged by the proposed display of a motion advert. To my mind it would have a neutral effect on this locally listed asset and therefore no harm arising to its special interest.

18. The fall-back position to the appellant is to retain the existing sign on site that has been previously approved and is a real prospect to the appellant. However, it is materially different to the proposal before me as it is a static advert with no motion included. Static images cannot be compared to eye catching moving animation. The proposal before me I consider to amount to poor design and the fall-back position is not the same circumstances.
19. To conclude on this main issue, in accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. It therefore conflicts with Policies 19, 20, 21, and 26 of the Southwark Plan 2022 in so far as safeguarding amenity and the historic environment, and the National Planning Policy Framework in its aims to safeguard amenity. It would however meet the objectives of Policy 43 to safeguard locally listed buildings.

Public safety

20. The site is positioned within a busy transport hub location with good access to public services, close to landmark buildings and world-renowned hospitals. The highway carriageway outside the site is shared with buses, cars and other commercial vehicles, and cyclists. I appreciate the area experiences high footfall numbers along pavements and the location of major hospitals and transport hub exacerbates this volume.
21. I was aware at the time of my visit that due to the volume of traffic on the road, the area was well controlled by a number of traffic lights to ease movement. Therefore, all speeds were low and vehicle and cycle idling was present along the roads. The double red lines along the sides of the road also assists with the continuous movement of traffic.
22. The pavement has been widened outside the site. I could see that waste bins and information boards were sited within the pavement but overall there is a limited number of obstructions to prevent the free flow of pedestrians. Whilst the footway was busy with pedestrians, they could easily pass one another without the need to enter the road to do so. At the time of my visit, I did not witness pedestrian and vehicular conflict close to the appeal site.
23. I appreciate road traffic collisions have been recorded along this stretch of road. The information before me explains that there is no evidence presented that the existing advertisement screen has been directly responsible for collisions. Although this proposed type of advert would introduce a new motion feature here, and whilst the highway network does require alertness from all users, I am not persuaded that a motion sign here would lead to distraction, and therefore an increased public safety concern.
24. At the time of my visit, highway maintenance to the footway was occurring close to the site with a small maintenance wagon mounting the footpath to undertake these works. This did not lead to conflict with the passing pedestrian. I am not made aware by the Council of any conflict arising from public safety due to servicing of the extant advert that requires on-going maintenance. I conclude that servicing of the proposed sign would not result in an impediment to public safety.

25. On the basis that public safety would be safeguarded, the proposal would accord with the broad public safety objectives of Policy P43 of the Southwark Plan 2022 and the National Planning Policy Framework.

Balance and Conclusion

26. Bringing all matters together, I have attached considerable importance and weight to the desirability of avoiding any such harmful effects on the setting of the listed building in accordance with the Act and to the proposal preserving or enhancing the character or appearance of the CA. This proposal would result in a deleterious effect upon how the setting of the heritage asset contributes to its significance and would fail to preserve or enhance the character or appearance of the CA.
27. Although I find no conflict with the proposed advertisement and its effect on the locally listed building or public safety, nevertheless it does not outweigh the conflict I have found with amenity. For this reason the appeal is dismissed and advertisement consent is refused.

Alison Scott

INSPECTOR

