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# Appeal Decision

Site visit made on 6 August 2024

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 August 2024**

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**Appeal Ref: APP/N5660/Z/24/3342851**

**Electric Brixton, Town Hall Parade, Brixton Hill, Lambeth, London SW2 1RJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the regulations) against a refusal to grant express consent.
  - The appeal is made by Electric Brixton against the decision of the Council of the London Borough of Lambeth.
  - The application Ref is 24/00575/ADV.
  - The advertisement proposed is the display of two externally illuminated painted mural signs 5.15 metres high and 9.7 metres wide.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The regulations, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) specify that the assessment of proposals for advertisement consent should be assessed only in the interests of amenity and public safety.
3. Where relevant, possible effects on designated heritage assets have been considered. Section 71(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be given to the desirability of preserving or enhancing the character and appearance of Conservation Areas. In advertisement appeals this is only in so far as it relates to amenity. The Council has also referred to the effect on the setting of nearby listed buildings. The related requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent because that statutory duty only applies in considering whether to grant planning permission or permission in principle under the Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I, therefore, take account of the presence of nearby listed buildings in considering the effect on amenity.
4. The Council's reason for refusal refers to the 'Budd Memorial'. However, the supplied Listing Description refers to the Mausoleum of Richard Budd. These two references clearly apply to the same building. I have therefore utilised the name on the Listing Description in the interests of clarity.

## Background and Main Issue

5. The Council have raised no issues regarding the proposal's effect on public safety, and I have no reason to reach a different view. The main issue is,

therefore, the effect on amenity, including the character, appearance, and significance of the Brixton Conservation Area (the CA) and the setting of nearby listed buildings.

## Reasons

6. The site consists of a simply designed building located close to the junction between Brixton Hill, Coldharbour Lane and Acre Lane. The site is located in between a large-scale modern building, in use as a Civic Centre, and the historic Lambeth Town Hall. Other notable buildings in the surrounding area are predominantly in use for commercial and community activities. Lambeth Town Hall is a Grade II Listed Building, whilst the nearby St Matthews Church and the Mausoleum of Richard Budd are Grade II\* Listed Buildings.
7. The proposed advertisements would be located on the front wall and sited at an elevated height. The front elevation of the building is relatively simple and unadorned. The scale of the advertisements is such that the unembellished character of the building would be eroded given that the front elevation would be dominated by large advertisements as the proposal would be viewed alongside the existing sign.
8. The nearest buildings to the site typically do not feature advertisements and, when they are present, are of modest sizes. Furthermore, most signage is located north of the junction between Brixton Hill, Coldharbour Lane and Acre Lane. In result, the introduction of two further large advertisements would conflict with the prevailing character of the immediate surroundings owing to the introduction of a feature not previously present. Furthermore, existing signage is often located at fascia level or between rows of windows. These factors allow for the architecture of the CA to be readily recognised. The site has a distinctive character of architecture, which would be less appreciable should the proposed advertisements be installed.
9. The proposed signage would be clearly visible from Brixton Hill, the Brixton Oval, St Matthew's Garden and, to a lesser extent, from Effra Road. This means that the proposal would be readily perceptible, and, in consequence, the advertisements would be jarring. In result, the proposal would lead to an adverse effect upon the character of the wider area and, specifically, the CA.
10. The site is also close to several Listed Buildings. The significance of the Mausoleum of Richard Budd is, in part, derived from its design and its role in highlighting an important family in the locality. Therefore, this structure has both architectural and historical value. Due to its positioning, there are few modern incursions that are readily perceptible within the setting of the memorial. However, the introduction of the large and illuminated advertisements would be clearly visible when reading the memorial's inscription tablets. In result, the juxtaposition of differing design approaches would lead to an adverse effect upon the mausoleum's setting.
11. A notable feature of St Matthews Church is that it is surrounded by open space. This means that the setting of the building is characterised by a landscaped setting with limited modern incursions. Conversely, the proposed signage would result in the prominent introduction of large-scale modern signage into these areas. In consequence, the proposal would erode the traditional, and historic, setting of the building. These adverse effects would be exacerbated by lighting as it would mean that the advertisements would be clearly viewable

- during periods of darkness. Owing to the generally open character of the vicinity, it would not be possible to screen the signs to prevent these views.
12. The site is adjacent to Brixton Town Hall. The significance of this building is, amongst other points, derived from its ornate style of architecture and function. This means that although parts of the Town Hall are of a consistent height to the appellant's building, the Town Hall occupies a prominent position meaning that its local civic importance can be clearly understood. The proposal would result in the introduction of large sized and modern advertisements. Cumulatively, these advertisements would create an embellished façade that would direct attention away from the Town Hall. In result, the Town Hall would no longer be the most dominant building within this locality. In result, the erosion of the Town Hall's setting would diminish its historic significance.
13. The harm that would be generated by the proposed advertisements would be less than substantial. Nonetheless, it is likely that the proposal would result in increased awareness of the events staged at the site. In result, the proposal would generate some public benefits arising from greater knowledge of events, which may advantage the community; and economic benefits as potentially more people would be attracted to the venue and other businesses in the locality. However, it has not been demonstrated that the proposal is the only way in which these benefits might be realised, or that the venue is in notable need of advertisements of such large scale. This tempers the weight that can be given to any benefits, and, in result, the adverse effects would not be outweighed.
14. The advertisements would therefore conflict with the requirements of Policies Q2, Q5, Q6, Q17, Q20 and Q22 of the Lambeth Local Plan 2020-2035 (2021) and the Lambeth Advertising and Signage Guidance Supplementary Planning Document (2016). Amongst other matters, these seek to ensure that proposals do not unacceptably compromise visual amenity from the public realm and adjoining sites; reinforce local distinctiveness; enhance the setting of buildings; contribute positively to the local scene; do not harm the setting of Listed Buildings; and preserve or enhance the character and appearance of Conservation Areas.
15. I therefore conclude that the proposed signage would have an adverse effect upon the amenity of the area. Consequently, it would conflict with the objectives of the Framework and the PPG.

### **Other Matters**

16. The intention is that the advertisements be painted by a local artist. However, there is no mechanism by which this might be secured. Accordingly, this is a matter that does not overcome my previous findings.

### **Conclusion**

17. For the preceding reasons, the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR