

Appeal Decision

Site visit made on 22 August 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/H5960/Z/24/3346932

64-64c Battersea Rise, Wandsworth, London SW11 1EQ

- 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 Pizza Metro Pizza Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/1463.
 - The advertisement proposed is described as 3x illuminated pole banner system, projecting wall mounted banner pole kit, including zinc plated and powder coated poles for maximum durability, LED illumination lights for face illumination, lights are IP65 certified will not exceed 600cd/sq m, printed banner in mesh material to suit high level winds.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Diego Palladino against the Council of the London Borough of Wandsworth. This application is the subject of a separate decision.

Main Issue

3. In this case, the main issue is the effect of the proposed advertisements on visual amenity with regards to the Clapham Junction Conservation Area ('CA') and neighbouring occupiers.

Reasons

4. The appeal site is a three-storey corner property with roof level extensions on the northern side of Battersea Rise. The road is characterised by restaurants and commercial uses on the ground floor, with residential above. The property has a secondary frontage to Limburg Road, which is characterised by residential uses. The proposed advertisements relate to a ground floor restaurant (with basement) and two flats spread across three floors.
5. Commercial units on Battersea Rise, Northcote Road, and St John's Road typically occupy the ground floor of properties. They are accompanied by a range of illuminated and non-illuminated adverts of different styles, designs, and sizes. Those adverts are predominantly at ground floor level, and include modest sized projecting signs, though there are examples of hanging signs at first floor level. The appeal property has fascia signs across its two frontages.

The presence of adverts within the CA is part of its character, reflecting its vibrant nature influenced by people shopping, using the station, and visiting businesses throughout the day and night.

6. The proposed adverts would be located at first floor level in a prominent position on the Battersea Rise elevation. Each panel would project away from the building and be externally illuminated. They would display words associated with the business and would draw people's attention to it. However, the proposed number of adverts, which would be sited on the building in quick succession, would, in tandem with the existing adverts, cause a proliferation of adverts on the building. That would also be harmfully out of sync with the number and type of adverts found within the CA at first floor level. The use of external illumination would only emphasise the number of the adverts. In doing so, the adverts would not harmonise with the host building or have a positive effect on the CA as the appellant suggests.
7. Added to this, the proposed adverts would be close to the first-floor windows serving the flats. Two of the adverts would especially affect the visual amenity of the occupiers owing to the proposed illumination, which would spill towards or into the first-floor rooms, even if they cannot directly see them. The presence of other illuminated adverts would not alter my view, as they are located lower down on nearby buildings and away from residents' windows. Nor do the lack of objections from the occupiers on the first floor of the appeal property, as they and future occupants should be able to live without the effect of undue light pollution.
8. Various other nearby adverts have been referred to by the appellant. Some of these are not illuminated so are not comparable to the proposal. The signs at Dexters also appear to be a site-specific response on the corner of a busy junction, and the illumination is not as close to the neighbouring first floor residential windows as the proposed adverts would be. I note the illuminated banner advert at Be At One, but I do not know how it came to be, and there did not appear to be a residential use on the first floor.
9. I recognise the appellant's efforts to find an acceptable solution by amending their scheme from a previous application. However, this does not change my mind about the harmful effect that the proposal would cause.
10. I note the Council's points about 'less than substantial harm' in respect of the CA, but the provisions of paragraph 208 of the National Planning Policy Framework do not apply in this case as that policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990. There are also no listed buildings affected by the proposal.
11. I conclude that the proposed adverts would harm the visual amenity of the area and would therefore not preserve the setting of the CA. Further, they would harm neighbouring occupiers' amenity. The Council has cited Policies LP1, LP2, LP3, and LP9 of the Wandsworth Local Plan 2023 – 2038. They jointly seek advertisements to be high quality design that integrates with and respects their local context to sustain, preserve and enhance the historic environment, avoid proliferation, and avoid harm to public amenity through visual intrusion of light pollution. They are material in this case, and I find conflict with them and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Other Matters

12. The proposed adverts would be visible on approach to the property in either direction on Battersea Rise, but owing to their proposed location on the first floor they would not harm public safety by affecting use of the footpath or by distracting passing highway users.
13. I note the appellant's concerns with how the application was handled by the Council, and their willingness to work with the Council with a view to finding a solution, but I have considered the appeal on its planning merits alone.

Conclusion

14. For the reasons given above, although the display of the advertisements would not be detrimental to public safety, this is outweighed by my conclusion that it would be detrimental to the interests of amenity. I therefore conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR