



Appeal Decision

Site visit made on 8 October 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/A5840/Z/24/3348830

297 Walworth Road, Southwark, London SE17 2TG

- 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 Mr S Sadiqullah against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0906.
 - The advertisement proposed is 'Shop fascia sign 3.6m x 1.2m and projecting sign 1.02m x 0.54m'.
-

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. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Therefore, while the development plan policies referred to on the Council's decision notice cannot by themselves be decisive, I have taken them into account as a material consideration.
4. On my site visit I saw that the advertisements subject of this appeal have already been installed at the site. I have therefore dealt with the appeal on the basis that consent for the advertisements is sought retrospectively.

Main Issue

5. The main issues are the effect of the advertisements on:
 - i) the visual amenity of the area; and
 - ii) public safety.

Reasons for the Recommendation

Visual amenity

6. The appeal site comprises a ground floor shop located in a busy commercial area on Walworth Road. The site is located within the Walworth Road Conservation Area (CA). The Walworth Road Conservation Area Appraisal 2016 (CAA) confirms that the CA's significance lies in the historic development of two small medieval settlements from the 18th century, when periods of prosperity and growing international trade saw London expand considerably. The CAA adds that the role of the Walworth Road as a busy shopping street is reflected in the quality of the Victorian and Edwardian shop fronts and terraces of which there are a significant number of architecturally handsome surviving examples. The area draws particular aesthetic significance from the architectural qualities of many of these buildings and the wide palate of historic styles and materials.
7. 297 Walworth Road (No 297) sits amongst an 18th/19th century terrace of buildings and the CAA notes that the original rhythm and articulation of this terrace is still evident despite post war development. In these respects, the CAA also identifies '293-299 (odd) Walworth Road' as making a positive contribution to the CA. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The CAA identifies that amongst other things, the proliferation of advertisements and over dominant facias are negative elements of the CA. I accept that the commercial development at street level incorporates numerous advertisements, much of which are of a modern design. Nevertheless, existing signage within the CA tends to consist of static advertisements with very few examples of advertisements displaying moving images. Where there are such examples, these are limited to a small scale only, such as those examples provided in the Appellant's statement.
9. By comparison, due to their large scale and digital appearance the proposed signs greatly contrast with the generally more subdued appearance of other advertisements in the CA. Moreover, the intermittent nature of the advertisements and their conspicuous presence in the street scene is emphasised by the continually changing imagery, which includes bright flashing pictures and words in various colours. Consequently, the signage has a very striking appearance which unacceptably detracts from the order and visual amenity of the CA, neither preserving or enhancing its character or appearance.
10. I conclude, the advertisements are harmful to the visual amenity of Walworth Road and do not preserve or enhance the character or appearance of the CA. The advertisements conflict with Policies P20 (Conservation Areas) and P21 (Conservation of the Historic Environment and Natural Heritage) of The Southwark Plan (2022) (SP), which state that proposals relating to conservation areas will only be granted where they preserve or enhance the character and appearance of the conservation areas and their settings. The advertisements also conflict with Policy P43 (Outdoor Advertisements and

Signage) of the SP which states that signage must avoid harm to the significance of streetscape and heritage assets or their settings.

11. The Council also state that the advertisements conflict with Policy P19 (Listed Buildings and Structures) of the SP. The Council's officer report suggests that the appeal property is locally listed. Whilst the evidence before me in terms of the CAA suggests that this is not the case, even if it were this would only add to the harm already identified.

Public safety

12. I observed for myself that the part of Walworth Road where the appeal site is located is subject to considerable traffic including buses, cars, motorcyclists and cyclists. The abundance of shops in the area, also means that the footpath in the vicinity of the shop is generally be busy with pedestrians. There is also a bus stop in close proximity to the shop where people congregate on the footpath and where buses stop frequently.
13. The digital signs significantly draw the eye amongst the prevailing static nature of other advertisements to this section of Walworth Road. From my own observations, the constantly changing, moving and flashing imagery together with the vibrant colours displayed have the potential to be highly distracting to drivers and cyclists on Walworth Road to the extent that this could take their attention away from activity on the highway both in terms of other vehicles, pedestrians and cyclists. In these respects, the signs unacceptably increase risk in the vicinity of the highway on Walworth Road and there is no detailed technical evidence to demonstrate otherwise.
14. Other than the suggestion that the signs are timed to only operate between 9am and 9pm, there are no details before me to suggest that the digital displays are of a specification allowing for the frequency in which images change and their brightness to be controlled. Even if there were, it is unclear whether this would overcome the concerns of the highway authority.
15. I acknowledge that the advertisements are already in place, and that there is no evidence before me to suggest that the advertisements have resulted in any public safety issues thus far. Even so, this does not justify the advertisements which unacceptably increase distraction in the vicinity of the highway and the identified risks arising from that. In this regard, I am also mindful of the Planning Practice Guidance which includes that advertisements which incorporate moving or apparently moving elements in the display as one of the main types of advertisement which may cause danger to road users.
16. I conclude, the advertisements have the potential to be harmful to public safety. Whilst not on its own determinative, the advertisements would also conflict with Policy P43 (Outdoor Advertisements and Signage) of the SP which states that advertisements and signage must not compromise safety and security.

Other Matters

17. I accept that advertisements are generally intended to direct and attract customers to a commercial premises. However, this does not preclude the appellant from utilising advertisements which perform the same function but which are of a design which have an acceptable effect on visual amenity and public safety.

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.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR