



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: 6 December 2024

Appeal Ref: APP/A5840/Z/24/3344329

74 Peckham High Street, Southwark, London SE15 5ED

- 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 Donkor against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0282.
 - The advertisement proposed is 'Display of shroud with replica of building façade and advertisement banner to front elevation including four externally illuminating lights for a temporary period of 8 months'.
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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) (the Regulations) 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.
4. The Council has not identified any concerns in respect of public safety. Having regard to the Regulations, the main issue therefore relates to amenity.
5. The Planning Practice Guidance advises that amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. On this basis, and given that the Council's second reason for refusal relates to living conditions, namely 'the daylight/sunlight, sense of openness and outlook of the residents in the application building', I have addressed these issues separately under 'other matters'. In any case, even if they were considered under amenity, this would not have altered the overall conclusions or recommendation.
6. For the purposes of the banner heading, the appellant's name is based on that provided on the application form which simply states 'Donkor'.

Main Issue

7. The main issue is the effect of the advertisement on amenity.

Reasons for the Recommendation

8. The appeal site is located at 74 Peckham High Street and is situated within the Rye Lane Peckham Conservation Area (CA). The significance of the CA derives from Peckham's origins as a small rural hamlet and its development through the 18th and 19th centuries. The Rye Lane Peckham Conservation Area Appraisal (CAA) identifies Rye Lane and Peckham High Street as busy commercial streets which reflect the characteristics of the different periods of the area's growth. The winding alignment of Peckham High Street reveals the street's medieval origins. Whilst the buildings on the north side mainly date from the mid to late 19th century, on the south side small 18th century properties still survive. The CAA confirms that the character of the CA is attributed to the eclectic architectural styles and materials.
9. The appeal property is a three-storey, mixed-use building with a shop at the ground floor and residential uses above. The site is situated within a prominent location in the CA at the corner of Peckham High Street and Rye Lane which is noted in the CAA as a key approach with a special intensity of activity. The CAA identifies the proliferation of advertisements as a negative element which detracts from the architectural quality of the CA. Indeed, I saw that there is an abundance of advertisements in the area. However, the vast majority of these are typical shop fascia and hanging signs.
10. I have a 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.
11. On my site visit, I saw that a shroud advertisement is already in place. The proposal would similarly cover the entire upper floors of the front elevation of the appeal building. Notwithstanding the description of the proposal, the substantial size of the advertisement banner would somewhat undermine any meaningful replication that the shroud would depict of the host building's façade. Even though the surrounding built form is also of a large scale; the shroud advertisement would appear out of scale with surrounding advertisements and obtrusive amongst the articulated upper floors of surrounding buildings, giving it an unacceptable dominant presence on this key approach within the CA. Consequently, the proposal would detract from the visual amenity of the street scene and would neither preserve or enhance the character or appearance of the CA.
12. I am aware that part of the appellant's justification for the shroud advertisement is that it would be more attractive than the alternative of scaffolding whilst the building is being refurbished. However, the appellant has confirmed in their statement that the refurbishment works are expected to be completed towards the end of 2024. Accordingly, there does not appear to be any demonstrable need for a shroud to remain in place for a further 8 months. Furthermore, even if the works are not completed in this timeframe, without evidence to demonstrate otherwise, it is reasonable to assume that the building's facade is now in an improved state compared to when a shroud was originally put in place. Moreover, any scaffolding and scaffold mesh would not be particularly harmful in the short term and is commonplace in urban areas.

13. I conclude that the proposal would be harmful to the visual amenity of the area including the character and appearance of the CA.
14. Whilst not on its own determinative, the proposal would also conflict with Policies D4 (Delivering good design) and HC1 (Heritage conservation and growth) of the London Plan (2021) (LP) and Policies P13 (Design of places), P14 (Design quality), P20 (Conservation areas), P21 (Conservation of the historic environment and natural heritage) and P43 (Outdoor advertisements and signage) of the Southwark Plan (2022) (SP) which require good design, seek to protect amenity, and to conserve and enhance the historic environment.
15. The advertisement would also conflict with Chapter 12 of National Planning Policy Framework which advises that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

16. With regards to the effect of the proposal on light and outlook for occupiers of the appeal building, the appellant suggests that the shroud would be an improvement compared to the alternative of standard mesh and scaffolding. However, both the shroud and scaffolding with a standard mesh would have an enclosing effect on windows to the front façade of the building. In any case, I accept that the shroud would be temporary and so any harm to living conditions would be significantly limited by time. Even so, this does not overcome the harm identified under the main issue.
17. I have had regard to the benefits of the advertisement put forward by the appellant. I acknowledge that the revenue generated by the advertisement is being used to fund the refurbishment of the building. However, there is nothing to suggest that the refurbishment would not occur in the absence of the advertisement. Furthermore, I understand that the appellant has partnered with a charity to bring together the local community to produce social art to be displayed when the advertising space is not let. Whilst admirable, this does not justify the harm identified under the main issue.

Conclusion and Recommendation

18. For the reasons given above, 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