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## Appeal Decision

Site visit made on 02 April 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

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**Appeal Ref: APP/H5960/Z/25/3358545**

**New Temporary Flower Market, New Covent Garden Market, New Elms Lane, Wandsworth, London SW8 5EH**

- 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 London Lites Ltd against the decision of the Council of the London Borough of Wandsworth.
  - The application Ref is 2024/2926.
  - The advertisement proposed is one LED digital advertisement display integrated into the frontage of the New Covent Garden Flower Market.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024 and further amended on 7 February 2025. However, the sections pertinent to this appeal have not changed, so the revised version has been referenced in this decision.

### Main Issues

3. Paragraph 141 of the Framework states advertisements are subject to control only in the interests of amenity and public safety. This is prescribed within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the COA).
4. Therefore, the main issues are the effect of the proposed advertisement on public safety and amenity.

### Reasons

#### *Public safety*

5. The location of the proposed advertisement would be central to the curved side elevation of the New Covent Garden Market. It would be located between the markets existing 2 fascia signs and face onto the multi-laned junction of Nine Elms Lane, New Covent Road, and Pump House Lane, which is controlled by traffic lights. It would be visible for some distance along Nine Elms Lane, which has multiple traffic lights and signals along its length for pedestrian crossings and junctions. Due to the relatively straight nature of Nine Elms Lane the proposal would largely align with many of these traffic lights and signals.

6. It is proposed that the new advertisement would be illuminated and allow for changing static images but would only be installed for a period of 3 years.
7. The location of the proposal would be obviously visible behind the series of traffic lights and signals along the Nine Elms Lane and Pump House Lane approaches, and the junction in front of the appeal site. In conjunction with the proposed size, illumination, and capacity for the display to change images, the proposal would visually conflict with multiple traffic lights and signals. This could mean the proposal would be more visually obvious than the traffic lights and signals so cause a level of distraction for highway users which could prevent them from reacting to changing lights and signals or the movements of other road users. A situation which poor weather or lighting conditions could further exacerbate.
8. Due to the number of traffic lights and signals potentially impacted, the multiple users of the impacted roads, including cyclists and pedestrians, and the busy nature of the location, there would be an unacceptable risk to the safe use of the highway and so the proposal would have a harmful effect on public safety.
9. It is acknowledged that the junction by the appeal site has a reasonably low number of accidents attributed to it. However, this is without the installation of the proposed advertisement and so does not reflect its potential impact. It is also recognised that the location of the proposal is unlikely to significantly impact users of New Covent Road or those travelling westbound along Nine Elms Lane, but this does not overcome the harm identified.
10. That the appellant considers the proposal to have a similar impact as a large directional road sign is also noted. Nonetheless, it is unlikely a large road sign in the proposal location would be acceptable due to the conflict with the existing traffic lights and signals.
11. The appellant has drawn my attention to the condition proposed by Transport for London (TfL) which specifies illumination levels. Although these conditions are advisory only and TfL objects to the advertisement, the appellant has proposed a reduction in illumination to align with the condition. However, from the evidence provided it is unclear how this reduction would overcome the harm identified, specifically in relation to the conflict between the proposal's location and the traffic lights and signals.
12. Consequently, the proposal would have a detrimental impact on public safety and so fail to comply with the Framework, the COA, and Wandsworth Local Plan (LP) Policy LP9, insofar as it requires advertisements to avoid causing material harm to public or highway safety.

### *Amenity*

13. Notwithstanding the busy nature of the roads close to the appeal site, it is situated on the edge of the redevelopment around Battersea Power Station. This ongoing redevelopment gives the area a character of large-scale change with a somewhat industrially urban appearance.
14. The size and form of the proposal would accord with the scale and urban character of the area, and although highly visible, would be read in context with the hoardings around the Battersea redevelopment as well as the existing signage on the market building itself. The temporary nature of that proposed would align with

the temporary nature of much of that within its vicinity and integrate with the transitional character of the area. Therefore, its visual impact on its surroundings would not be so obtrusive as to affect the amenity of the area.

15. It is acknowledged that as the redevelopment of the area progresses and its character becomes more unified and cohesive, the proposal may be more impacting. However, due to the temporary nature of that proposed, its visual impact would be revisited and considered in light of the changes in its surroundings were a future application submitted.
16. The proposal would therefore not have an adverse impact on the character of the area to such an extent as to harm amenity. So, it would comply with the Framework and the COA, as well as LP policy LP9, as far as it seeks to ensure new advertisements respect their local context.

### **Other Matters**

17. It is noted that other advertisements have been granted permission in the area. However, from the evidence provided the circumstances are not sufficiently similar to that proposed to draw a direct comparison that would weigh in the proposals favour.
18. That the proposal would be more energy efficient and reduce the number of maintenance trips and waste created by traditional signage is noted. As is the benefits advertising can have on the wider economy. However, these matters would not mitigate or overcome the harm to public safety.

### **Conclusion**

19. Although I have not found harm in relation to amenity, this does not outweigh the public safety harm identified. Accordingly, for the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*RJ Redford*

INSPECTOR