



Appeal Decision

Site visit made on 4 March 2025 by S Wilson LL.B. MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/A5840/Z/24/3354634

153-159 Borough High Street, Southwark, London SE1 1HR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Infinity Outdoor Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/2260.
 - The development proposed is display of temporary decorative printed scaffold shroud advertisement measuring 19 X 10 metres inset within a 1:1 image of the building façade depicted across the whole scaffolding.
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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 Council has drawn my attention to statutory plan policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations), to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any relevant factors. Therefore, in my determination of this appeal, the policies cited by the Council have not, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of public safety, and there is no evidence before me which would lead me to dispute this conclusion. Accordingly, the main issue is the effect of the proposed advertisement on amenity.

Reasons for the Recommendation

5. The appeal site is located within the Borough High Street Conservation Area (CA) Sub Area 2 – Borough High Street South and St. George the Martyr and adjoins the Grade II listed building No. 151 Borough High Street.
6. The CA Appraisal (CAA) sets out the significance of the area, noting that it is an area of great diversity with a clear overall identity, despite being made up of sub-

areas with distinct characters of their own. The townscape of the CA displays an enormous variety of elaboration and invention, giving each building a unique identity but a sense of continuity with its neighbours. There is a composed uniformity to street width, building heights, horizontal and vertical details, creating a very strong and ordered form that is composed on simple geometric principles. Consequently, its overall identity is to do as much with scale and form as with materials and detail. Multiple styles are used, with decorative features related to horizontal and vertical structural elements such as lintels, floor levels, columns and buttresses.

7. Whilst the area around the appeal site is undoubtedly commercial, the style and pattern of the area is structured and rhythmic. Shop fascia heights are uniform with a clear separation between ground floor shop fronts and office/residential above demarcated by relatively uniform lintel heights, shopfront signage and with rhythmic fenestration above.
8. The significance of the listed building at No 151 is identified as its materials of construction, fenestration detailing and ornamentation, fenestration number and range of return and shopfront, amongst other things. It is experienced as part of its townscape setting amongst other buildings, including the appeal building.
9. I am mindful of my statutory duty, arising 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 conservation areas when considering the grant of express consent.
10. In an appeal for an advertisement within the setting of a listed building, the statutory duty from s66(1) of the Act requiring decision makers to “have special regard to preserving the [listed] building or its setting or any features of special architectural or historic interest” does not apply.
11. However, the setting of the listed building is a relevant material consideration when considering the effect on ‘amenity’. The advertisement regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
12. The appeal proposal would introduce a large, externally illuminated advertisement above ground floor level. Whilst this allies with the horizontal patterns which are clearly evident in the street façade, it would nonetheless, be an entirely alien feature, jarring against the rhythmic pattern of fenestration above ground floor level and introducing a commercial advertisement above the ground floor shop front height, an element that is not characteristic of the area.
13. The harmful effect would be particularly jarring in the hours of darkness as the illuminated element would demand attention, even taking account of the ability to impose conditions to control the level of luminance and to prevent moving images. I recognise that the streetscape includes streetlighting and commercial shopfronts. However, the presence of a large, modern, illuminated display would not be sympathetic in an area noted for its rhythmic buildings of townscape merit.
14. Furthermore, the proposal would directly contrast and compete with the adjoining listed building, drawing attention away from its significance and adversely affecting its setting.

15. Consequently, the large, static, illuminated display would harm the visual amenity of the immediate area, harming the character and appearance of the CA and adversely affecting the setting of the Grade II listed building.
16. The appellant outlines that the nature of the proposal aligning with the horizontal street façade would be an improvement over a plain and vertical scaffold shroud. Whilst the proposal would indeed align with the horizontal plane of the street façade it would jar against the pattern of fenestration and would be an alien characteristic within the CA. The proposal would compete and contrast against a Grade II listed heritage asset. All these elements would be exacerbated in the hours of darkness by the proposed illumination.
17. The appellant also outlines that the proposal would be temporary and as such would not have a permanent effect upon either the CA or the setting of the Grade II listed building. Whilst the harm identified above would be limited to the 12 months temporary period applied for, I must apply great weight to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the CA. It would therefore harm the amenity of the local area and consequently fail to preserve the setting of the grade II listed heritage asset. I do not consider that the benefits of the proposal forwarded by the appellant would outweigh the harms identified.
19. Accordingly, it fails to comply with Policy 19, Policy 20 and Policy 26 of the Southwark Plan (2022); Heritage SPD (2021); Policy HC1 of the London Plan (2021); and the relevant paragraphs of the National Planning Policy Framework 2024, insofar as they relate to the preservation and enhancement of heritage assets and the preservation of designated heritage assets.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

A M Nilsson

INSPECTOR