
Appeal Decision

Site visit made on 20 October 2025

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/H5960/Z/25/3360569

Waterfall House, 223 Tooting High Street, London SW17 0TD

- 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 Shahram Kamyab of Waterfall Dental against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/3012.
 - The advertisements proposed are described as 'freestanding 5x advertisement banners and 1x replacement advertisement banner'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, as amended (the Regulations), confirms that s78 of the Town and Country Planning Act 1990 (as amended) (the Act) shall apply in relation to applications for express consent under the Regulations subject to the modifications specified in Part 3 of Schedule 4 of the Regulations.
3. Under s78 only the applicant has the right of appeal and there are discrepancies between the stated applicant on the application form and the stated appellants on the appeal form.
4. I raised these matters with the appellants who has provided some clarification regarding the different persons and the different companies referenced. I am satisfied that this appeal can proceed with Mr Shahram Kamyab of Waterfall Dental as the appellants.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) does not apply to applications or appeals for express advertisement consent, which is not 'development' under the Act.
6. Similarly, the consideration of harm to a designated heritage asset, as set out at paragraphs 212 – 215 of the National Planning Policy Framework 2024, does not apply to applications or appeals for express advertisement consent, which is not 'development'.
7. Under Regulation 3(1) of the Regulations the provisions of the development plan may be taken into account if they are material. I have considered the referenced development plan policies accordingly.

Main Issue

8. The main issue is the effect of the proposal on visual amenity.

Reasons

9. The appeal site contains a Grade II listed building, Waterfall House¹, a distinctive three storey brick building facing towards, and at a slightly lower elevation than, Tooting High Street. The building is said to date from the early 19th century and has been extended over time. It is set within its own grounds, which include a gravel car park at the front, which is accessed via an uncontrolled entrance on Longley Road. In the western corner of the car park, next to Tooting High Street, are several mature deciduous trees
10. The front boundary of the site is marked by a brick wall over which views of much of the building are readily possible, including from passing vehicles on Tooting High Street. The side boundary, on Longley Road, is marked by a low brick wall with a close boarded timber fence, which also rounds the corner onto Waterfall Terrace; the building is at the back of pavement line on Waterfall Terrace other than where there is the timber fence by Longley Road. Most of the building is readily visible above the boundary fence.
11. The appeal site forms one quadrant of a crossroads on Tooting High Street, which is a busy pedestrian and vehicular thoroughfare. On the opposite side of the road to the appeal site is a bus stop, and a short parade of shops and similar High Street uses that continue on both sides of the road to the north of the crossroads.
12. There are various advertisements displayed along Tooting High Street linked to the commercial uses in the area, and a panel advertisement is located on the building opposite the entrance to the appeal site on Longley Road, at first floor level.
13. The submitted plans show three existing banner signs, two to the front by Tooting High Street and a smaller one to the side, by the entrance from Longley Road. The elevation drawings show the existing banners are positioned on freestanding frames within the site, and displayed above the boundary wall and fence.
14. When I visited the appeal site I noted an existing sign by the entrance on Longley Road, but this is constructed of metal rather than a banner. Furthermore, only one banner sign, mounted on a freestanding metal frame within the appeal site, was displayed by Tooting High Street.
15. The appellant claims that signs have been displayed at the site for many years. However, even if this were the case, no evidence has been provided to show that the existing advertisements shown on the submitted drawings are authorised.
16. The proposal is for the display of 5 new freestanding advertisement banners, together with 1 'replacement' advertisement banner, all of which would be linked to the operation of Waterfall House as a Dental Practice. Two banners would be displayed above the boundary wall by Tooting High Street, three, including the 'replacement' banner, would be displayed above the boundary fence by Longley Road, whilst a further banner sign would be displayed above the boundary fence by

¹ List Entry Number: 1184935

Waterfall Terrace. All of the proposed banners would be non-illuminated, would be of a similar size, and would be positioned on freestanding frames within the site.

17. The scale, design, position and number of the proposed advertisements would be visually obtrusive in the street scene. They would create a sense of visual clutter and would relate poorly to the character and appearance of Waterfall House, partly blocking views of the listed building from the front, side and rear, and significantly detracting from its setting.
18. For these reasons, the proposed advertisements would be harmful to visual amenity. They would, therefore, conflict with development plan policies LP1 (design-led approach), LP3 (historic environment) and LP9 (advertisements) of the Wandsworth Local Plan 2023, and policy HC1(C) (heritage conservation and growth) of the Spatial Development Strategy for Greater London 2021, which, amongst other things, seek to protect visual amenity and so are material.

Other Matters

19. When I visited the site, I noted that a number of advertisements for the dental practice were displayed that are not shown on the existing plans. These included a banner fixed to the northwestern elevation of the building between first and second floor level; a banner fixed to the external face of the boundary wall on Tooting High Street, by the controlled pedestrian crossing; a banner fixed to the external face of the boundary fence on Longley Road; and a banner fixed to the external face of the boundary fence on Waterfall Terrace.
20. No information regarding the status of these advertisements is before me and I have not considered them in determining this appeal.

Conclusion

21. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR