



Department for
Communities and
Local Government



Craig Raybould
Planning Enforcement Team Manager
Wandsworth Council
The Town Hall
Wandsworth High Street
London
SW18 2PU

Please ask for: Dave Moseley
Tel: 0303 444 8064
Email: Simon.Heydecker-Dent@communities.gov.uk
Your ref: N/A
Our ref: PCU/ADV/H5960/3224888

Date: 8 October 2019

Dear Mr Raybould,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: ("the Regulations")
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by Wandsworth Council ("the Council") on 13 March 2019 for a Direction that deemed consent for the display of To-Let boards relating to the letting of premises, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas within the London Borough of Wandsworth.

2. The Council's request for the making of the Direction was publicly advertised in the local press on 19 April 2019. The Secretary of State received no representations in relation to the proposed Direction.

The Proposed Areas

3. The Direction would cover the following areas within the London Borough of Wandsworth, namely:

- Northcote Road;
- Queenstown Road;
- Old York Road; and
- Tooting Town Centre

The areas are identified on maps provided by the Council and are identified in the plans, annexed hereto.

The Council's reasons for making the Direction

4. The Council state that they have received numerous complaints regarding the proliferation of estate agent boards in the borough. The streets identified in the proposed Direction are particularly adversely affected, with estate agent boards often located at elevated heights with little regard to their position. Many signs are present all year round and rather than advertising a particular premises for sale or rent, they are present to promote the estate agent itself.

5. The Council has contacted estate agents advertising in the affected areas reminding them of the requirements of the Regulations, however this has only resulted in temporary reductions in the number of estate agent boards. The Council has therefore concluded that a Direction removing deemed consent rights for estate agent boards is appropriate to improve the visual amenity of the specified areas.

Description of Proposed Areas

Queenstown Road

6. This road is mainly residential in nature and lies within the Park Town Conservation Area. It is characterised by long terraces of two and three storey houses constructed of yellow brick. The significance and special interest of the Conservation Area relates to its late 19th Century era of construction and the cohesiveness of the building design within it.

Northcote Road

7. This road consists of retail, food and entertainment establishments. It is characterised by terraces of two and three storey buildings constructed of yellow brick, with attractive shop fronts and architecturally detailed windows and eaves.

8. Sections of Northcote Road lie within the Clapham Junction and Wandsworth Common Conservation Areas. The significance and special interest of these Conservation Areas relates to their Victorian and Edwardian era of construction and architectural style.

Old York Road

9. This road provides access to Wandsworth Town railway station. It is characterised by terraces of 19th Century terraces of two and three storey buildings with detailed shop fronts.

Tooting Town Centre

10. This area is centred around the junction of Tooting High Street and Mitcham Road. It is characterised by terraces of two and three storey buildings of different eras and architectural styles.

Appraisal

11. Taking into account a site visit, the Inspector agrees with the Council that estate agent boards along Queenstown Road, Northcote Road and Old York Road are causing significant harm to visual amenity. The Inspector considers such harm to be contrary to the National Planning Policy Framework and relevant policies of the Wandsworth Local Plan.

12. At paragraph 21 of his report, the Inspector states that the projecting estate agent boards on Queenstown Road, Northcote Road and Old York Road are particularly prominent due to the enclosed urban environments created by the position of buildings set close to or on the back edge of pavements. He states that the proliferation of estate agent boards detract from the front elevations of the buildings and harm the streetscene.

13. At paragraph 23 of his report, the Inspector states that he does not consider that the proliferation of estate agent boards within Tooting Town Centre has had a material adverse effect on visual amenity in the area, given the context of the dominating visual activity of large retail signage at street level.

14. At paragraph 24 of his report, the Inspector notes that the Council has endeavoured to address the harm to visual amenity caused by proliferation of estate agent boards using its enforcement powers and through informal means. He considers that the Council's enforcement powers are limited in terms of effectiveness, and that the Council's informal approach has only resulted in temporary beneficial effects in the specified areas.

14. The Inspector concludes that the proposed Direction is necessary to safeguard the visual amenity of Queenstown Road, Northcote Road and Old York Road, but is not necessary in relation to Tooting Town Centre. He recommends that the proposed Direction is made with respect to Queenstown Road, Northcote Road and Old York Road, but not with respect to Tooting Town Centre.

Formal Decision

15. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to control the display of advertisements relating to the letting of premises within the areas of the London Borough of Wandsworth identified below and on the maps submitted by the Council for an indefinite period:

- Queenstown Road;
- Northcote Road; and
- Old York Road

16. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

17. When this Direction is brought into effect, the display of boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 15 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

18. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

Dave Moseley

Dave Moseley
Senior Planning Manager

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT

The Secretary of State for Housing, Communities and Local Government ('the Secretary of State') is satisfied, upon a proposal made to him by Wandsworth Council, as the local planning authority, that the display of advertisements relating to the letting of premises as specified in Class 3A of Schedule 3, Part 1, to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should not be undertaken without express consent in parts of the London Borough of Wandsworth.

The Direction would cover the following areas in the London Borough of Wandsworth, as shown on the attached maps, namely:

- Queenstown Road;
- Northcote Road; and
- Old York Road.

The proposal has been the subject of a site visit, having been publicly advertised.

The areas to be included in the Direction are specified in the Schedule to this Direction.

This Direction shall have effect for an indefinite period from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of advertisements relating to the letting of premises as specified under Class 3A of Part 1 of Schedule 3 to the Regulations in the following areas in the London Borough of Wandsworth, namely:

- Queenstown Road;
- Northcote Road; and
- Old York Road.

The reasons for the Secretary of State's decision are set out in his letter of 8 October 2019 to the Council, a copy of which is attached.

Dave Moseley

Dave Moseley
Senior Planning Casework Manager

Ministry of Housing, Communities and Local Government
Authorised by the Secretary of State to sign on that behalf

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
APPLICATIONS TO THE HIGH COURT

1. Under the provisions of section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.

2. The grounds upon which an application may be made to the Court are:

- a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded his powers); or
- b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.

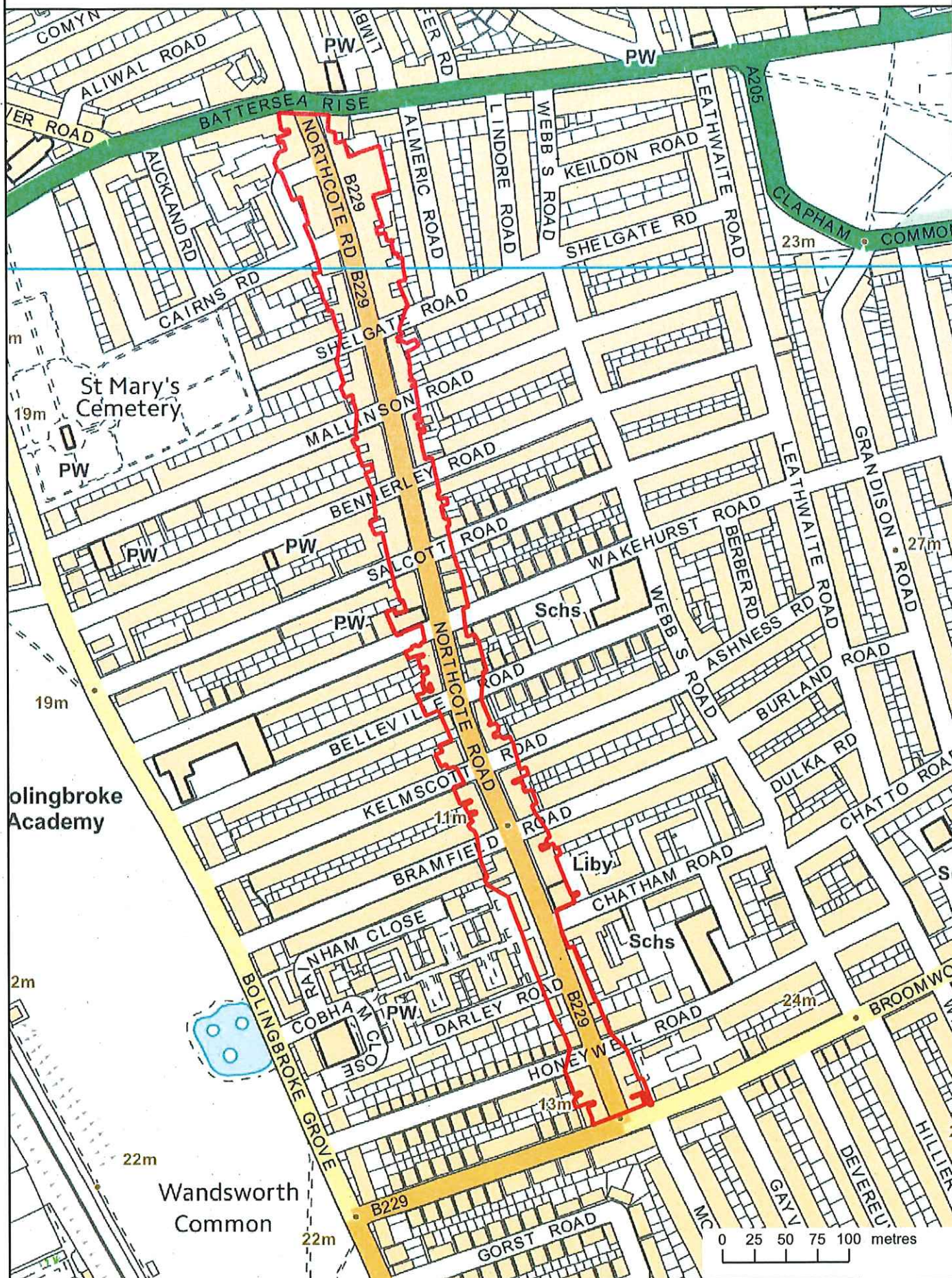
3. The "relevant requirements" are defined in section 288 of the Act as any requirements of that Act and the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either Act which are applicable (s.288(9)). These include the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007 No. 783), as amended, and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624), as amended.

4. A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS – APPLICABLE ONLY TO APPEALS WHICH
WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 15(4) and (5) of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626), any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision or the supply to him of the report, whichever is the later, for the opportunity of inspecting any documents, photographs and plans appended to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Ministry's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.

Northcote Road



0 25 50 75 100 metres



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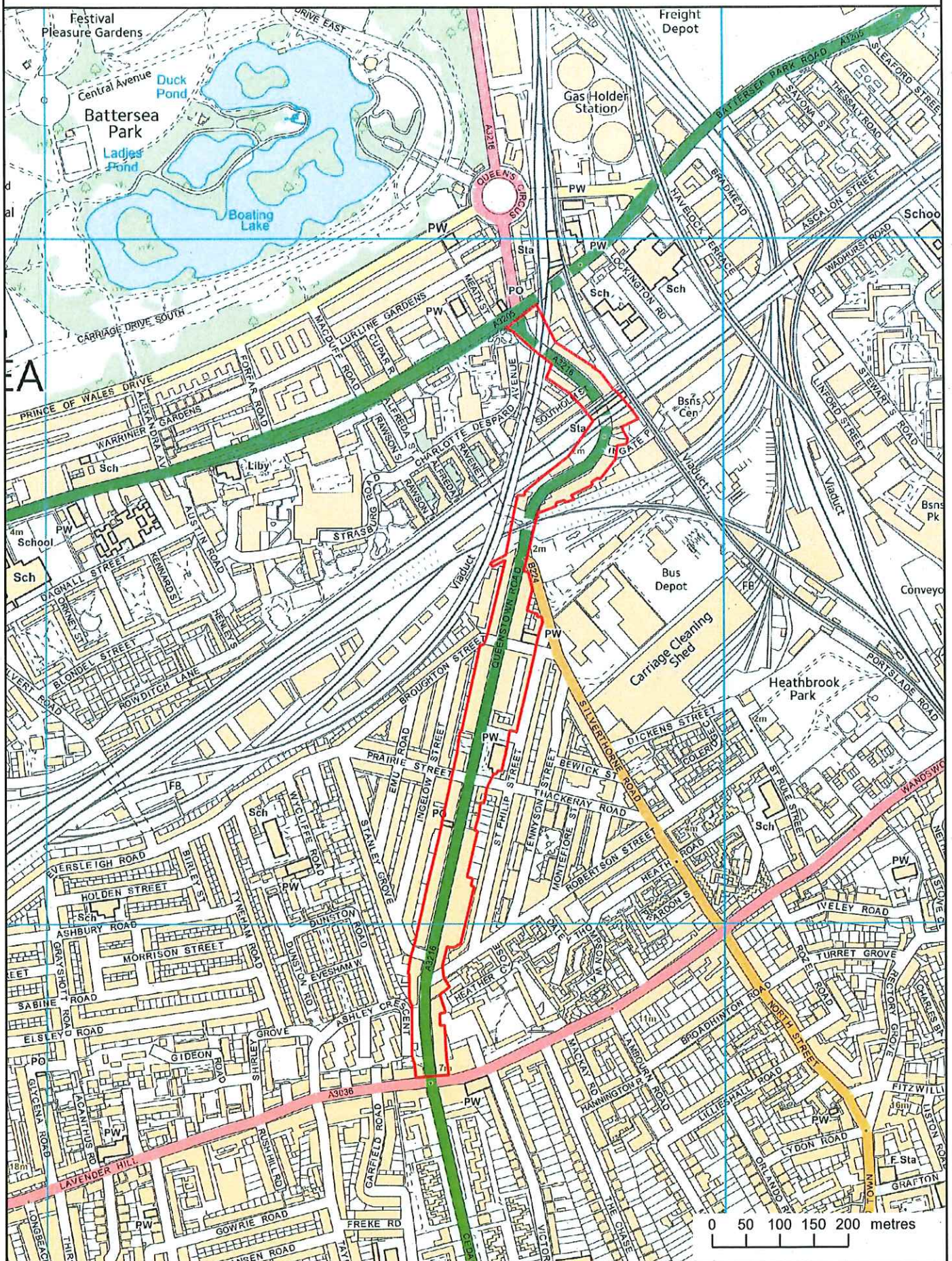
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Queenston Road (Lavender Hill to Battersea Park)



0 50 100 150 200 metres



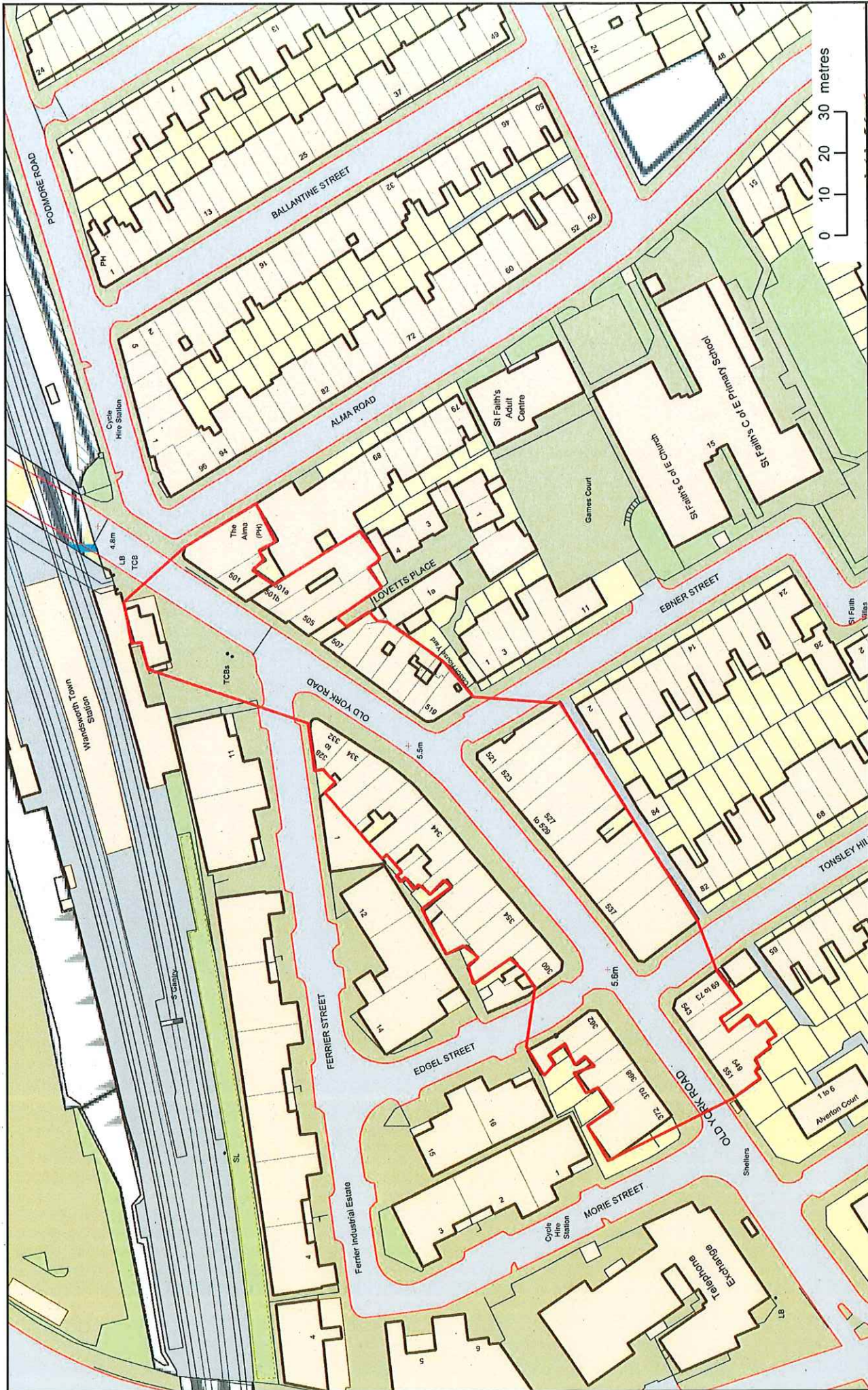
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04 May 2018

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 Wandsworth	<h1>Old York Road</h1>		1:1250 04 May 2018 admin
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