

## GROUNDS OF APPEAL

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APPEAL SITE: ADJACENT HIGHGATE RD RAIL BRIDGE (south side), EAST AND WEST WALLS, HIGHGATE ROAD, LONDON NW5 1LE

APPELLANT: MS ANNA McAREE, NETWORK RAIL ADVERTISING

ADVERT: 2 X TIMBER DISPLAY BOARDS (NON-ILLUMINATED) EACH MEASURING 6.2 METRES X 1.6 METRES FOR THE DISPLAY OF 4-SHEET COMMUNITY POSTERS

APPLICATION REF: 2022/5401/A

DATE OF REFUSAL: 15 MARCH 2023

### ***Introduction***

The applicants are working in partnership with Network Rail the landowner and Camden council to promote community advertising boards and help prevent flyposting in the borough.

These types of small scale poster sites play an important role in the delivery of community messaging and community support for the arts and culture and local businesses. As we come out of lockdown local businesses, arts and culture are going to need support and advertising of this kind is essential to assist the revitalisation of the economy and local businesses as well as arts and culture through community messaging of this kind.

In particular, the local arts and culture sector is a significant part of community life and the campaigns will be designed to ease this key part of the community back to life.

Local community boards of this kind help to prevent flyposting by providing a facility to display posters in a controlled manner.

The applicants and Network Rail have recently been working with Camden council on a similar project at Camley Street bridge to promote art and community posters which were granted consent by application 2022/1822P as a joint bridge wall project with the council as photo below.

Network Rail advertising have funded this project.

### ***Camley Street bridge***



#### ***The site***

The site comprises the east and west railway bridge walls on the south side of Highgate Road bridge

The poster boards will be attached to the bridge walls and in a parallel location to the road (one is already in place on the east side).

This is a mixed urban area. Other larger billboards are on display in the immediate vicinity.

The officers delegated report site description accurately describes the site as follows,

#### **Site Description**

The application site is a railway bridge located on Highgate Road and is constructed with two brick walls either side of the road that measure approx. 1.7m high. It is located directly to south of a metal girder railway bridge. The brick wall on the east side of the road is located within the Dartmouth Park Conservation Area and the Kentish Town Neighbourhood Plan Area. The brick wall on the west side is not located within a conservation area but is located within the Dartmouth Park Neighbourhood Plan Area. The application site is not listed.



### ***The site***

#### ***The proposal***

The proposal is for 2 X wall-mounted timber poster boards to be attached to the east and west facing walls opposite each other.

The boards measure 1.6m high x 6.2 m wide.

They will be non-illuminated.

Each board will facilitate the display of six x 4-sheet community paper posters.

The poster displays will normally change at 2-week intervals.

These will be local community billboard displays.

#### ***The refusal***

The council have refused consent for a single reason which relates to interests of amenity, as follows,

##### **Reason(s) for Refusal**

- 1 The existing and proposed advertisements, by virtue of their size and location, would result in prominent and incongruous visual clutter which would cause harm to the character and appearance of railway bridge walls, streetscene and wider area, including the Dartmouth Park Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017, policy D3 of Kentish Town Neighbourhood Plan 2016, and policies DC2 and DC3 of the Dartmouth Park Neighbourhood Plan 2020.

### **National policy**

National guidance on advertising is contained within the following documents,

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- National Planning Practice Guidance
- The National Planning Policy Framework

**Planning Practice Guidance** advises that the display of advertisements is subject to a separate consent process within the planning system which is principally set out in the **Town and Country Planning (Control of Advertisements) (England) Regulations 2007** (The Regulations), confirming as follows,

*‘Adverts are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission.’*

The Regulations require *‘Powers to be exercised in the interests of amenity and public safety’*, taking into account the development plan so far as material and any other relevant factors.

Accordingly, development plan policies of the council cannot be decisive.

The **National Planning Policy Framework (NPPF)** confirms this approach to advert control decision advising that applications should be determined in relation to amenity (and where relevant public safety) issues only.

In relation to factors relevant to amenity, The Regulations states that,

*“Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.”*

*Planning Practice Guidance*, on amenity, states that,

*“In practice, ‘amenity’ is usually understood to mean the effect on visual 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. So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.”*

### **Assessment**

In terms of visual amenity these are small non-illuminated poster boards situated on the railway walls.

They raise no public safety issues and the officers report confirms,

**5.2** The advertisements are not considered to adversely impact on pedestrian movement along the pavement as sufficient space on the pavement is maintained. Vehicular traffic is not considered to be impacted upon as the boards are non-illuminated and do not cause distraction to drivers or other road users.

They are located at street level aimed at pedestrians.

The range of visibility is limited due to their parallel location.

The poster boards do not intrude into the wider area due to a parallel orientation.

The proposed poster boards will be unlit and a relatively small scale timber display boards.

They will appear within an area where the street is of mixed character at ground floor level and be viewed simply as incidental features.

Located at street level the advertising boards are an important part of community advertising in this district and can be essential to local arts and organisations and local business.

The boards are positioned within the level where other commercial elements are located.

There is no impact on residential amenity as the officer confirms in his report,

**4.2** The existing and proposed advertising hoardings are non-illuminated and located a sufficient distance away from any neighbouring occupiers. As a result, no amenity harm is considered to result from this development.

The wall displays add some colour and interest and information of local interest within this locality.

There are much larger billboards in close proximity.

For these reasons the proposed advertisements are not considered harmful to the streetscene or character and appearance of the conservation area.

***Council development plan policies***

Section 38 of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement applications and appeals, since there is no requirement in the Advertisements Regulations for regard to be had to the development plan in reaching a decision. As required by the Regulations (and confirmed in paragraph 136 of the NPPF), it is the advertisement's impact on amenity and public safety which must be decisive, with local planning policies being only taken into account as a material factor.

Council policies cannot cover every situation and greater weight should be attributed to site specific amenity circumstances and I have set out above the specific amenity issues which are considered to be relevant in this appeal along with national policy.

***Conditions***

The appellant would accept a split decision if only one of the two advertisements is acceptable.

A temporary consent of 2 years would be acceptable.