



## Appeal Decision

Site visit made on 24 September 2018

**by Joanna Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 October 2018**

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**Appeal Ref: APP/X5210/Z/18/3204104**

**Outside 297 Euston Road, London NW1 3AQ**

- 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 Mr Nathan Still of Infocus Public Networks Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2017/5183/A, dated 18 September 2017, was refused by notice dated 18 May 2018.
  - The advertisement proposed is the “display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk”.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect that the proposed advertisement would have on amenity and public safety.

### Reasons

3. The appeal site includes an existing payphone kiosk, which is within the wide pavement by the Transport for London red route slip road on the roughly south east side of the busy A501 Euston Road dual carriageway, fairly close to its junction with Tottenham Court Road and Warren Park underground station, which lie to roughly north east and east respectively. The kiosk is broadly in front of 297 Euston Road and at the south west end of a row of 3 trees, which are roughly in the middle of the pavement and parallel to Euston Road, between which are 2 payphone kiosks of different designs. The Council says that the existing payphone kiosk structure would appear to be in breach of planning control, but that is not a matter before me in this appeal. The plans show that the proposed advertisement would be on the south west side of the kiosk.
4. Close by, the Fitzrovia Area is mainly characterised by the leafy wide and spacious Euston Road, which is mostly edged by tall elegant mainly modern buildings on both sides. The robust urban character of the nearby pavement and slip road is relieved by the verdant grassed and tree lined footpath by the sunken dual carriageway on the opposite side of the slip road. The nearby buildings on the south east side of the pavement include ground floor commercial and retail shop fronts, but their restrained design complements the simplicity of their multiple upper floors, some of which include residential use.

The well-spaced down-light street lights by the edge of the slip road, the linear patterns of the street trees, the low-key bus shelter, the 'minimalist' bike stands, and the roads, maintain the important openness in the street scene, which enables large numbers of people and vehicles, at times, to flow efficiently, by day and by night. So, the openness in the public highway is important to its function and largely uncluttered appearance, and the spaciousness and leafiness close by contributes positively to the sense of place.

5. Due to its bulk and siting, the kiosk erodes the existing openness beyond the row of trees, and due to its depth and width, it disrupts the largely unrestricted routes of pavement users by the row of trees. Because the advertisement would be illuminated, it would be more prominent than the kiosk and the nearby tree, so it would look harmfully out of place by day. Moreover, after dark, when most of the shop front signs would be unlit, the advertisement would look unacceptably dominant and incongruous. The appellant's suggested condition to control the maximum luminance level would not overcome that harm. Thus, the advertisement would harm the character and appearance of the surrounding area. It would also be contrary to the *National Planning Policy Framework* which says that the quality and character of places can suffer when advertisements are poorly sited. Whilst I have little information about the illuminated advertisement in the bus shelter, which is some distance away, it is also much closer to the road, so it differs from the proposal before me.
6. Due to its scale and siting by the trees, and its distance from the slip road, the advertisement would not be unduly distracting for road users during daylight, or after dark, when its prominence would be greater.
7. However, from the evidence and the graffiti that I saw on all 3 kiosks by the trees, kiosks are commonly associated with antisocial behaviour. Because the advertisement would highlight the presence of the kiosk, it would be likely to increase the antisocial behaviour associated with it, especially so after dark. This could discourage some pavement users from using the nearby pavement, which would harmfully diminish its function. Also, because the advertisement would be illuminated, it would erode the utility of local closed circuit television recordings made close by, which would unacceptably disrupt endeavours to detect and prevent crime in a part of the street that is already unusually cluttered. Thus, the advertisement would also harm public safety.
8. Therefore, I consider that the proposed advertisement would harm amenity and public safety. It would also be contrary to Policy A1 of the London Borough of Camden *Local Plan* (LP) which aims to protect the amenity of communities, occupiers and neighbours, LP Policy D1 which seeks high quality design, LP Policy D4 which aims for advertisements to preserve or enhance the character of their setting, LP Policy T1 which aims to improve the pedestrian environment, and LP Policy C5 which aims to make Camden a safer place.
9. For the reasons given above and having regard to all other matters raised, the appeal fails.

*Joanna Reid*

INSPECTOR