

Grounds Of Appeal – University Of London Birkbeck College, Malet Street, London, WC1E 7HX

Appeal Against Refusal of Planning Permission Issued by Camden Borough Council

23 December 2024

1. Introduction

- 1.1 This Statement has been prepared on behalf of Birkbeck, University of London (“the Appellant”) in relation to an appeal under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Appeal”).
- 1.2 The Appeal relates to the decision notice issued by Camden Borough Council (“the LPA”) on 01 November 2024 (planning ref. 2024/3655/A) (“the DN”) for the proposed display of 9 x banners around the site (retrospective) (“the Scheme”) at University Of London Birkbeck College, Malet Street, London, WC1E 7HX (“the Site”).
- 1.3 The DN contains one reason for refusal:
- 1.4 *“The advertisements, by reason of their scale, siting, and design would appear as dominant and incongruous features that harm the character and appearance of the host buildings, street scene, the setting of the nearby Grade II listed buildings, and Bloomsbury Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements), of the London Borough of Camden Local Plan 2017.”*

2. A Positive Case for the Advertisements

- 2.1 This statement will outline in greater detail how the proposal is in accordance with National and Local Plan policies, guidance and the public benefits of the proposals.
- 2.2 Birkbeck’s physical estate includes a wide range of buildings and facilities (including education and research facilities, as well as supporting office floorspace) across the Bloomsbury Campus Area, however its main offering takes place from the Birkbeck main building and the Birkbeck Central Building which forms the application boundary for the consent to display an advertisement application. Birkbeck Central (previously Student Central) was purchased by the University in 2021 and there has been a keen desire by the university to spread awareness of the its occupation of this building to signal its growth and to help assist the university realise its commercial value.
- 2.3 The Site therefore exists within a wider campus of University buildings, the majority of which belong to the University of London’s other Member Institutions. In fact, there



exists a restrictive covenants in favour of the Bedford Estate over the wider land restricts both the erection of new buildings on the land and their use thereafter. Within this area of land no buildings may be erected on the land "except University and College Buildings in connection with the University of London...and no building shall at any time be used except for the purpose of such University and College buildings".

- 2.4 The above therefore sets out the context of the area in which the proposed advertisements are to be placed, noting that the context is one in which various Universities that at one time were colleges of the University of London now exist as independent and commercially competing Universities.
- 2.5 Within this context it can be seen that there is a need for Birkbeck to need to both stand out from its competition and work to identify itself as an independent higher education institution whilst improving on its facilities by way of improvements to the built environment of the area. As part of Birkbeck's improvement strategy it has been considered a necessity to positively advertise their location within the wider University area and the proposed advertisements have been sought on the northern and southern book-ends of these buildings to delineate Birkbeck's main offering within the campus and assist in the both advertisement of the university and by assisting wayfinding to the Site.
- 2.6 The advertisements are therefore sought to assist in the attraction of new students to the university and to Camden more broadly, and are considered necessary amendments that are important to enable the University to grow.

3. Grounds Of Appeal

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This requirement is reiterated in the National Planning Policy Framework (NPPF).
- 3.2 The relevant national and local planning policy and guidance relevant to the determination of the planning application, against which the proposals have been considered during design development, are outlined below.
- 3.3 The revised NPPF was adopted in December 2024 and provides planning policy guidance at a national level. It is a material consideration in the determination of planning applications.



The Development Plan

3.4 The Development Plan for the Site comprises the following documents:

- The Camden Local Plan (2017);
- Adopted Site Allocations Plan (2013);
- The Policies Map;
- Neighbourhood Plans; and
- The Adopted Camden Planning Guidance (CPG).

The Reasons for Refusal

3.5 The reasons for refusal on the Decision Notice noted that the proposed advertisements are contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements), of the London Borough of Camden Local Plan 2017. For reference, these policies are listed below:

Policy D1:

The Council will seek to secure high-quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2: Heritage;*
- c. is sustainable in design and construction, incorporating best practices in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible, and easily recognisable routes, contributing positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open spaces;*
- k. incorporates high-quality landscape design (including public art, where appropriate) and maximises opportunities for greening, for example through the planting of trees and other soft landscaping;*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*



o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;*
- q. the historic context of the building's surroundings;*
- r. the relationship between the building and hills and views;*
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and*
- t. the contribution a building makes to pedestrian permeability and improved public accessibility. In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.*

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

Policy D2 – Heritage:

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.



Designated heritage assets

Designed heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*



- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.*

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including nondesignated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

Policy D4: Advertisements

The Council will require advertisements to preserve or enhance the character of their setting and host building. Advertisements must respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail.

We will support advertisements that:

- a. preserve the character and amenity of the area; and*
- b. preserve or enhance heritage assets and conservation areas.*

We will resist advertisements that:

- c. contribute to an unsightly proliferation of signage in the area;*
- d. contribute to street clutter in the public realm;*
- e. cause light pollution to nearby residential properties or wildlife habitats;*
- f. have flashing illuminated elements; or*
- g. impact upon public safety.*

The Council will resist advertisements on shopfronts that are above fascia level or ground floor level, except in exceptional circumstances. Shroud advertisements, banners, hoardings / billboards / large outdoor signboards are subject to further criteria as set out in supplementary planning document Camden Planning Guidance on advertisements .



Assessment

- 3.6 The Council have taken the view that the proposed advertisements fail to comply with the above stated Local Plan Policies. The below sets out why the Appellant believes the proposed advertisements are acceptable.
- 3.7 The proposed advertisements are designed to respect the local context and character in line with Policy D1 by utilising the branding and design elements that align with Birkbeck University's identity. The banners, with their distinctive but sensitive designs, will serve as wayfinding markers and brand identifiers for the University. The locations of the banners, at key corners of the site, are strategically chosen to enhance visibility while complementing the architectural form of the existing campus buildings. This approach respects the character of the surrounding area and does not negatively impact the local environment. The proposed advertisements also incorporate high-quality materials and visually appealing relevant artwork. Furthermore, the use of non-illuminated designs further demonstrates consideration for the site's location in the Bloomsbury Conservation Area, ensuring that the advertisements do not introduce unwanted light pollution or disruption to the character of the area.
- 3.8 The placement of the banners on the prominent corners of the site enhances movement and accessibility in the surrounding area. These advertisements will act as both promotional tools and wayfinding elements, guiding prospective students and visitors to key areas on the campus.
- 3.9 With regards to Policy D2, the proposed advertisements are not located on listed buildings but rather on prominent corners within the University campus. Given the careful design and appropriate scale of the banners, they will not negatively impact the significance of any nearby listed buildings or other heritage assets. The LPA have taken the view that the proposed advertisements will be a negative addition to the Bloomsbury Conservation Area, however the proposed advertisements have been sensitively considered to help to contribute positive artwork within the public realm whilst providing tangible benefits to the University through both wayfinding and promotion.
- 3.10 The proposal adheres to Policy D2 by ensuring that the banners do not harm the character or appearance of the area.
- 3.11 With regards to Policy D4, for the reasons discussed above the proposals will not contribute to an unsightly proliferation of signage in the area, cause light pollution to nearby residential properties or pose any risks to public safety. The advertisements will act as informative elements, rather than intrusive or distracting features, contributing to the vibrancy of the public realm and will not negatively impact the Bloomsbury Conservation Area.



- 3.12 In addition, whilst the above justifies the provision of the advertisements when set against the Local Plan policy within Camden, the National Planning Policy Framework is a material consideration when determining applications within the Borough.
- 3.13 Paragraph 215 of the NPPF notes that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 3.14 The National Planning Policy Test, therefore, is one that gives weight to the public benefits of any identified harm. The above statement has set out why it is considered that there is not harm set out by the proposals, however should harm be identified there must be a level of consideration towards outweighing any identified harm against the public benefits of the proposals, those being principally the promotional and wayfinding benefits to the University as a result of the proposed advertisements. Crucial to any determination of harm is the fact that the proposed advertisements are sought for a temporary period of 5 years.

4. Conclusion

- 4.1 The Appeal seeks advertisement consent for the placement of a total of 11no. applications around the Site.
- 4.2 As set out within this statement, the proposed advertisements are consistent with the objectives of Camden’s Local Plan, particularly the policies on design, heritage, and advertisements. The proposal ensures high-quality design, respects the historic context, enhances public accessibility, and contributes positively to the local environment. The non-illuminated, carefully placed banners will support Birkbeck’s branding and function as wayfinding tools without detracting from the character of the Bloomsbury Conservation Area or the surrounding streetscape
- 4.3 The Appellant will agree to the imposition of conditions requiring that the proposed advertisements be removed after 3 years should it be deemed necessary in order to help reduce any perceived harm from the advertisements.
- 5.1 For all the reasons set out in this Statement, the Inspector is respectfully requested to allow the Appeal.



Appendix 1: Officer Report for Planning Permission Ref. 2024/3655/A.

Delegated Report		Analysis sheet	Expiry Date:	24/10/24
		N/A	Consultation Expiry Date:	N/A
Officer		Application Number(s)		
Connie Marinetto		2024/3655/A		
Application Address		Drawing Numbers		
University Of London Birkbeck College Malet Street London WC1E 7HX		Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Display of 9 x banners around the site (retrospective).				
Recommendation(s):		Refuse and Warning of Prosecution Action to be taken		
Application Type:	Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>There is no statutory requirement to consult for this type of application, but the council does take account of any representations that may be received right up until an application is determined.</p> <p>No comments or objections were received from members of the public prior to determination.</p>					
Bloomsbury CAAC comments:	<p>An objection was raised by the Bloomsbury Conservation Area Advisory Committee (CAAC):</p> <p>'The Bloomsbury CAAC considers these banners to be way over the top, much too bright and much too large, and our strong preference would be for no banners at all.</p> <p>We note that they do not replace earlier banners and that there is therefore no precedence for them.</p> <p>The application comes in under the Control of Advertisements category and the banners are essentially advertisements.</p> <p>They are quite out of place on the restrained and dignified Holden buildings and particularly visually intrusive in Malet Street and Byng Place, both public thoroughfares with long street views and not in any sense part of a university campus.</p> <p>We note these banners were erected already on 13 August. If not removed before the end of six months enforcement action should be taken'.</p>					

Site Description

The application site comprises Birkbeck's main building, and the adjoining former 'student central' building located adjacent. The buildings front Malet Street, Torrington Square and Byng Place and make up Birkbeck University's main campus. The site is situated in the Bloomsbury Conservation Area. The buildings are by Charles Holden and while neither are listed, they are both identified as making a positive contribution to the Conservation Area. There are several Grade II listed buildings in the vicinity, including 27-32 Torrington Square and the School of Oriental and African Studies buildings which include the SOAS library and the Philips Building (Grade II*).

Relevant History

2007/0072/A – Display of externally illuminated projecting sign at ground floor level next to Malet Street entrance, halo lit letters sign at first floor level on flank wall of Torrington Square entrance, 2 non-illuminated banner signs at ground floor level either side of Torrington Square entrance, and halo lit letters at first to second floor level on South elevation of the building. **Refused 27/02/2007 and dismissed at appeal 28/06/2007.**

Relevant policies

National Planning Policy Framework (2023)

The London Plan 2021

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- D4 Advertisements

Camden Planning Guidance:

- Design (2021)
- Advertisements (2018)
- Amenity (2021)

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Assessment

1. The proposal

1.1. Retrospective advertisement consent is sought for the display of 9x banner signs located around the Birkbeck University campus. 6 of the banners measure 1.8m x 10.5m and 3 of the banners measure 1.1m x 10.5m. The banners display the Birkbeck branding in bright colours including pink, blue and orange.

1.2. They are located in the following areas:

- 2x banners at the corner of Torrington Square and Malet Street, eastern side of the Site;
- 2x banners at the corner of Torrington Square and Malet Street, western side of the Site;
- 1x banners on Malet Street, on the south facing fascia facing Tottenham court road;
- 2x banners on the corner of Malet Street and Torrington Place; and
- 2x banners on the corner of Torrington Place and Torrington Square.

2. Assessment

2.1. The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to only consider amenity and public safety matters in determining advertisement consent applications. The principal considerations material to the determination of this application therefore are:

- Visual Amenity: the design and impact of the proposal on the character and appearance of the host building, the local street scene, and the Bloomsbury Conservation Area.
- Public safety: the impact of the proposal on highway, pedestrian, and cyclist safety.

3. Visual Amenity

3.1. Policy D4 of the Camden Local Plan 2017 (Advertisements) states that adverts which preserve the character of the area, and preserve or enhance heritage assets and conservation areas will be supported, and requires that adverts respect the form, fabric, design, and scale of their setting. Supporting text for Policy D4 states *'Advertisements in conservation areas and on or near listed buildings require particularly detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings.'*

3.2. Policy D1 of the Local Plan (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area and development should respect local context and character. Policy D2 (Heritage) seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Development must conform to conservation area appraisals and management strategies and must not harm an area's character or heritage assets.

3.3. In relation to banners, guidance contained within CPG 'Advertisements' 2018, states that *'Banner advertisements on buildings will only be permitted in the following circumstances: They relate to landmark or unique buildings, such as festival venues, museums, and do not detract from the appearance and form of the host building or the surrounding environment. In some commercial areas, flags or banners may be considered a suitable form of display. Within residential areas, conservation areas, and on or near listed buildings we will be primarily concerned with safeguarding the amenity, character and appearance of these areas and buildings and therefore it is unlikely that such advertisements will be supported'* (Page 7).

- 3.4. The CPG 'Advertisements' 2018 further states that '*Advertisements and signs should respect the form, fabric, design, and scale of the host building and setting. All signs should serve as an integral part of the immediate surroundings and be constructed of materials that are sympathetic to the host building and the surrounding area*' (Page 3). With regards to signage in conservation areas, the CPG states '*Advertisements in conservation areas and on or near listed buildings require detailed consideration given the sensitivity and historic nature of these areas or buildings. Any advertisements, of whatever type, on or near a listed building or in a conservation area must not harm their character and appearance and must not obscure or damage specific architectural features of buildings.*'
- 3.5. The Bloomsbury conservation area appraisal and management strategy (2011) states that '*A proliferation of signage, even of an appropriate design, could harm the character of the Conservation Area.*' (Page 124).
- 3.6. The site is located in the Bloomsbury Conservation Area and there are listed buildings in close proximity including 27-32 Torrington Square and the School of Oriental and African Studies buildings which include the SOAS library and the Philips Building (Grade II*), all of which are directly opposite the site. The Council has a statutory duty to have special regard to the desirability of preserving a listed building and preserving or enhancing a Conservation Area under The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 3.7. It is important that adverts are sensitive to the age, style, and character of the building. The banners are considered to be of an inappropriate scale which appears particularly dominant, incongruous and disruptive. The banners would fail to respect or preserve the architectural features of the campus buildings, both of which are positive contributors designed by Charles Holden. As a result, they are considered to detract from, and result in a harmful addition to the buildings, the street scene, adjacent listed buildings, and wider Conservation Area. The applicant has cited other banners in the vicinity as an example, including those displayed at SOAS and UCL as supporting examples. It is noted that the UCL banners, which were unauthorised, are no longer displayed. The existing signage at SOAS does not form a precedent as it is unauthorised. No similar banners have been authorised in the vicinity. The proposal would potentially create an undesirable precedent for similar adverts in the area and wider borough.
- 3.8. It is noted that an application (2007/0072/A) which sought consent for similar signage (2x banner signs measuring 0.75m x 3m) was refused and dismissed at appeal (APP/X5210/H/07/1201398), at the part of the Birkbeck site facing Torrington Square. The appeal inspector noted that '*the signs would occupy most of the width of the side pillars and would introduce undesirable clutter around the entrance. In my view they would create an untidy appearance to the detriment of the building and to the amenity of Torrington Square*'. This proposal would have a similar effect by introducing clutter at high level, and the negative impacts would be exacerbated by the high visibility of the signage.
- 3.9. The advertisements are considered to be detrimental to the building's character, the wider streetscape, and the Conservation Area. The Council's Conservation Officer has reviewed the proposals and stated that '*they are inappropriate to the context, harmful to the character and appearance of the conservation area and damaging to the appearance of the positive contributors. The justification of "attracting additional students" is not acceptable*'. The officer further stated that '*we would not accept any banners in this position*'.
- 3.10. As a result, the proposed advertisements, by reason of their scale, siting and design would appear as a dominant and incongruous feature that harms the character and appearance of the host buildings, street scene, the setting of the nearby Grade II listed buildings and Bloomsbury Conservation Area, in conflict with policies D1, D2, and D4 of the Camden Local Plan 2017, the Bloomsbury Conservation Area Appraisal and Management Strategy (2011), and the Camden Planning Guidance on Advertisements (2018).

4. Public Safety

4.1. Policy D4 of the Camden Local Plan 2017 states that “*Highway safety, with focus on vulnerable road users should be considered. Advertisements will not be considered acceptable where they impact upon public safety including result in glare and dazzle or distract road users because of their unusual nature, disrupt the free flow of pedestrians or endanger pedestrians*”.

4.2. It is not considered that the advertisements have a negative impact on vehicular or pedestrian traffic. The size, angle, direction, and type of the proposed advertisements would not be considered to negatively impact vehicles or pedestrians, nor would they introduce any undue distraction or hazard in public safety terms. Therefore, in terms of public safety, the proposal is considered acceptable.

5. Recommendation

5.1. It is therefore recommended that advertisement consent is refused on the following grounds:

- The advertisements, by reason of their scale, siting and design would appear as dominant and incongruous features that harm the character and appearance of the host buildings, street scene, the setting of the nearby Grade II listed buildings and Bloomsbury Conservation Area, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements), of the Camden Local Plan 2017.

5.2. Initiate prosecution action.