

# Simpatico

Town Planning

‘The Camden Assembly’ Bar and Live Music Venue, 49 Chalk Farm Road, London, NW1 8AN



Planning Appeal Statement in support of proposed:

*‘Display of hand painted mural advertisement on the Chalk Farm Road and Ferdinand Street elevations’*

(Appeal against refusal by London Borough of Camden Council of Planning application 2024/5093/A on 29<sup>th</sup> January 2025)

Appeal Statement prepared on 25<sup>th</sup> March 2025 by Richard Jewkes BSc (Lon) MA DipTP

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# Introduction

1. This Appeal Statement is submitted in support of an appeal by TEG Venues UK ('the Appellants'), against the refusal of their planning application, reference 2024/5093/A, by London Borough of Camden Council ('the LPA') on 29th January 2025.
2. The application sought the grant of Advertising Consent for the display of hand painted murals upon two elevations of the building known as 'The Camden Assembly', which is a bar and renowned live music venue, located at 49 Chalk Farm Road, London, NW1 8AN. The application sought to formalise the historic practice, which previously took place over many years, of using the two public-facing facades of the building to display hand painted art murals promoting the events and activity taking place at the venue.
3. Regrettably, on 29<sup>th</sup> January 2025 application 2024/5093/A was refused by officers under delegated powers, without the benefit of any democratic scrutiny, either from local Councillors or the wider community. In refusing the application, officers advanced the following refusal reason:

*The proposed hand painted mural advertisement, by reason of its size, scale, and prominence in the streetscene, would constitute an inappropriate and visually dominant addition, detrimental to the character and visual amenity of the host building and wider streetscene. It would also harm the setting of the adjacent Regent's Canal Conservation Area and Grade II\* listed Stables Market, contrary to policies D1 (Design), D2 (Heritage) and D4 (Advertisements) of the Camden Local Plan 2017.*

4. This Appeal Statement will seek to demonstrate that the concerns expressed by the LPA in relation to the proposal, namely its assertion that the limited branding to be included in some murals to be painted upon the wall would, '*constitute an inappropriate and visually dominant addition, detrimental to the character and visual amenity of the host building and wider streetscene*', was misguided in this instance, and that the refusal of the application was therefore unnecessary. It is also submitted that, in refusing the application, the LPA apportioned insufficient weight to the cultural significance both of the venue itself, and also of the public facing artwork through which it previously, for many years, contributed to the fabric of Camden Town. These issues will be considered in the context of the relevant national and local planning policies and guidance, and the case in favour of the proposal put forward.

5. The application was supported by a Design Statement which presented the proposal and set out the case in favour of the grant of Advertising Consent. That Statement also included information regarding the history of the display of artwork, sometimes including branding and logos associated with activities at the venue, and the contribution made to the creative look and feel which make Camden Town a world-famous cultural attraction. The document also includes an extensive photographic survey of the site and its surroundings. Rather than duplicate this information here, it is requested that this Appeal Statement be read in conjunction with the submitted Design Statement, a copy of which is appended to this Appeal Statement at Appendix 1.
6. The LPA's refusal notice and the Case Officer's report on the application (a copy of the Officer report is also submitted alongside this statement at Appendix 2) relay the LPA's thought process which resulted in refusal of the application. Arguments will be advanced here which will seek to demonstrate that the LPA, in refusing the application, did not give full and proper consideration to the submitted documentation and that, as a result, its assessment of the proposal was misguided in this instance.

#### **PRELIMINARY MATTERS:**

7. **Scope of appeal:** It is noted from the stated refusal reason and from the Officer Report on the application that the LPA raises no concerns in relation to the impact of the proposed development upon public safety. Section 4 of the Officer Report makes this conclusion clear, with the LPA stating at Paragraph 4.4 that:

*'4.4 The proposal therefore is not considered to be harmful to either pedestrian or vehicular traffic and does not raise any public safety concerns.'*

8. On this basis, it is taken as read that the LPA considers the proposal to be acceptable in terms of public safety. This appeal will therefore focus solely upon the other material consideration to be considered when assessing an application for Advertising Consent – that of visual amenity.
9. **The 'fall back position' under Part 2 Class (c) of the General Permitted Development Order:** During the course of the planning application, the Appellants made clear to the LPA that, whatever the outcome, it was (and remains) their intention to use the wall for the display of murals. This is likely to be the case going forward, even without the requested occasional element of advertising. This is permissible under Part 2 Class

(c) of the Town and Country Planning (General Permitted Development) Order 2018 (as amended) ('the GPDO').

10. The Order proffers to interested parties the right, without planning consent (subject to any protection imposed via an Article IV direction or other protective order), to engage in '*The painting of the exterior of any building or work*'. The Order goes on to confirm explicitly, that 'painting' must be interpreted as meaning '*any application of colour*'. The relevant extract from the Order is reproduced below for completeness. This position has also been clarified by appeal decisions, most notably in the case of the 'Megaro Hotel' (appeal reference APP/X5210/C/14/2221240). In that appeal, the Inspector found that the painting of a decorative mural covering the external facades of the Megaro Hotel building was lawful under Part 2 class (c) of the GPDO and as such did not require the grant of consent by the LPA.

*Class C – exterior painting*

**Permitted development**

***C. The painting of the exterior of any building or work.***

**Development not permitted**

**C.1** Development is not permitted by Class C if the painting is for the purpose of advertisement, announcement or direction.

**Interpretation of Class C**

**C.2** In Class C, "painting" includes any application of colour.

11. It is clear that common ground exists between the Appellants and the LPA in two respects; firstly that the proposal raises no potential issues in terms of public safety, and secondly that the use of the walls for the display of murals (albeit without the inclusion of any branding or logos) constitutes permitted development and does not require consent.
12. Therefore, the substantive issue to be addressed in this appeal is the extent to which the inclusion of a limited element of advertising, relating solely to the business which operates on the premises, would be harmful to amenity in this locality. Examples were highlighted within the original Design Statement which juxtaposed what can be displayed at the site without consent being required, against what could be displayed under the consent which this appeal seeks to secure. In this context, it is submitted that the inclusion of such a minimal element of advertising firstly would not be harmful to amenity in any event, but

would also represent such a minor change, in comparison with what can be displayed without consent, to be negligible in terms of the impact upon the amenity and character of the area.

## Background and planning history

13. This application was submitted in the context of recent planning history relating to advertising proposals in the vicinity of the site, and was actively mindful of recent appeal decisions relating to similar premises and similar proposals in and around Camden High Street. In particular, the proposal sought to conform to advice issued by the Secretary of State when determining a recent appeal at 226 Camden High Street (which is located just 300 hundred metres away from the Appeal site), which indicated that artistic advertising in the town centre, which is renowned globally for its vibrant and creative feel, should relate to the business taking place on the premises, rather than being for third party use. As will be discussed, ironically the LPA's Officer Report cites the same case as an example of precedent in the area and as an indicator that, in order to be supported, artistic advertising should relate to the on site business. As has been highlighted, it is submitted that the LPA did not properly consider the submitted proposal, and therefore did not appreciate the consistency which the appeal application aspired to maintain with nearby precedent.
14. The appeal case in question relates to 226 Camden High Street, a nearby site where an Advertising Consent application (LPA reference 2022/0963/A) had previously proposed the display of 'third party' advertising mural upon the building. The application was refused by the LPA on grounds relating to visual amenity, and an appeal lodged with the Secretary of State (PINS reference 3305667 – copy of decision attached at Appendix 3). The appeal was ultimately dismissed, but in refusing consent the Inspector apportioned weight to the fact that the proposed displays, in that case, would not relate to any business being carried out at the host property, and for this specific reason would not be considered to *'reflect the key characteristics of the local area'*. Therefore, despite consent not being granted, the decision provided valuable guidance in terms of defining the type of artistic advertising which should be considered to be consistent with 'local character' in this area of Camden, and which therefore should be considered acceptable in this location. As will be explained, the appeal proposal is consistent with that guidance and, as such, it is submitted that it should receive support.
15. Looking at the Inspector's decision, it includes an appraisal by the Inspector of the unique character of Camden Town Centre, and in particular the highly creative, artistic signage which is a defining feature of the street scape. In paragraph 4 of the decision, reproduced below, the Inspector describes that unique character as follows (our emphasis added):

4. The area is characterised by mainly independent commercial uses along Camden High Street. **Camden has its own specific aesthetic** with shops featuring a wide range of front fascia and projecting fascia signage, **with many examples of unique and artistic approaches to advertising such as colourful painted murals and large 3D displays which gives the area a vibrant characteristic.**

16. The decision goes on to consider further the nature of the artistic advertising, which in large part defines the character of this part of the town centre. The Inspector highlights an important aspect of that character as being the use of creative signage and murals upon the facades of buildings, promoting the independent businesses within. This characteristic of the locale is highlighted in Paragraph 6 of the decision, as follows:

6. I noted from my site visit on the ground that **the majority of the adverts along the high street relate to the commercial use taking place within the building they were located on, and therefore this link forms an important part of the local area's identity.**

17. The recognition within the Inspector's findings in relation to the 226 Camden High Street appeal that the use of artistic advertising, relating to independent businesses, represents 'a fundamental feature of the local area' was a key influence upon the proposal which was brought forward in the appeal application. The proposed display of artwork which would promote the venue's cultural status as a renowned live music venue, publicising the events taking place, and/or the products available therein, is considered to be entirely consistent with the Inspector's analysis of the character of the area, and therefore appropriate in planning terms. Regrettably, as will be considered further, it is submitted that in weighing this case the LPA failed to afford sufficient weight to the artistic value of the proposed mural displays, and the contribution they would make to the vibrant, uniquely bohemian feel of the Camden townscape.

18. It is therefore submitted that the appeal proposal is consistent with local planning policy and also with appeal decisions relating to the display of artistic advertising in this locality. In order to demonstrate this, the following section of the Appeal Statement will present the details of the proposal for consideration by the Secretary of State.

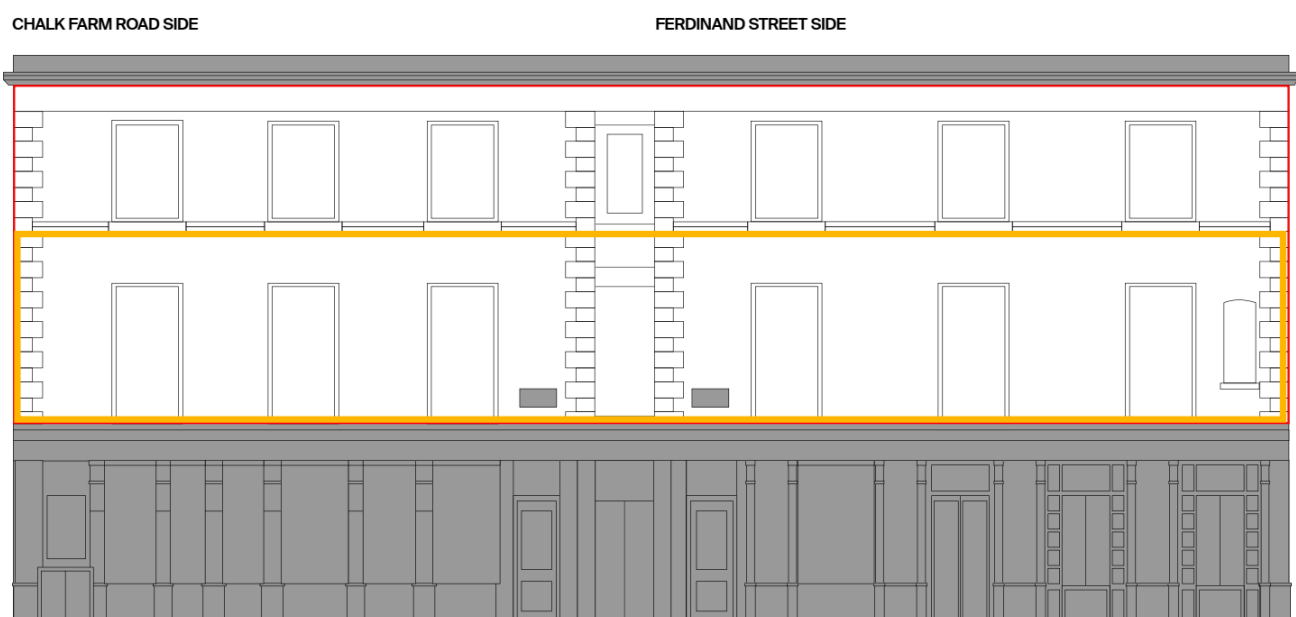


## Details of proposal

19. A copy of the Design Statement which accompanied the appeal application is appended to this Appeal Statement. That original Design Statement includes extensive information regarding the site and its surroundings, the relevant planning history and policy context. Given the availability of the original Design Statement elsewhere in this appeal submission, it is not proposed to duplicate this information here – a perusal of the original Design Statement will provide a broad background to the case.
20. The appeal application sought a five-year advertising consent for the display of various managed artworks, to include, where required, branding relating to the content of the mural, advertising products or services being offered by the business which occupies the site; namely the bar and live music venue.
21. Specifically, it is proposed that any advertising content to be included in murals painted upon the walls will relate **only to the business which is taking place on site**, so either promoting drinks which are sold in the bar itself, or promoting the use of the premises as a live music venue. As has been touched upon above, this approach is in line with written advice previously received from the LPA, and also with the Inspector's comments on the recent 226 Camden High Street appeal. It is also proposed, in order to ensure that any advertising content would not be unduly prominent or cause detriment to the surrounding character, **that any branding to be included within the murals will be restricted to no more than 10% of the proposed display area, which would be confined only to the lower half of the display walls.**
22. It is proposed that the displays to be painted onto the wall would be temporary, with the wall being made good and returned to its 'normal' appearance when not in use. Wherever possible, paints used both when creating the proposed murals, and during the wall's dormant periods, would contain pollution-absorbing materials, to the benefit of the environment. Paints, and also clear top-coats, are available which remove Nitrogen Oxides (NOx) from the atmosphere. Further information regarding the Appellants' intentions in this regard is available on request.
23. In order to provide clarity and comfort, both for the applicant and the LPA, it is proposed that no more than 10% of the surface area of any mural to be displayed upon the building may be given over to logos or copy associated with a mural sponsor, avoiding domination of the street scene. The applicant is content for limitations such as this to be specified and enshrined via planning condition in the event that the appeal is successful.

24. Figure 1, below, is an extract from the 'proposed' elevation plan which was submitted alongside the appeal application. It shows the configuration of the proposal walls, and also indicates the area of the walls which, it is proposed, could include branding or imagery associated either with the drinks on offer inside the premises, or with content relating to live music events. The proposed 'display zone' for any commercial content (logos/copy/recognisable images etc.) would be confined to the lower half of each wall, as edged in gold on the plan, with any content which constituted 'advertising' covering no more than 10% of that area of the walls. Figure 2, also below, is a 'street side' photograph of the wall, taken in July 2024, which is included in order to enable cross referencing with the proposed plan.

**Figure 1 – 'Proposed' elevation drawing**



**Figure 2 – Photograph of the proposal walls (taken from Google – dated July 2024)**



## Assessment and response to the LPA refusal reason

25. Having established the parameters of this appeal, and highlighted the relevant planning history and the detail of the proposal, the following sections of this Statement will address the issues raised by the LPA in refusing the application. These are identified in the refusal reason itself, and also in the Officer Report, to which reference will be made here, where appropriate.

### Issue 1 – An *‘inappropriate and visually dominant addition’*

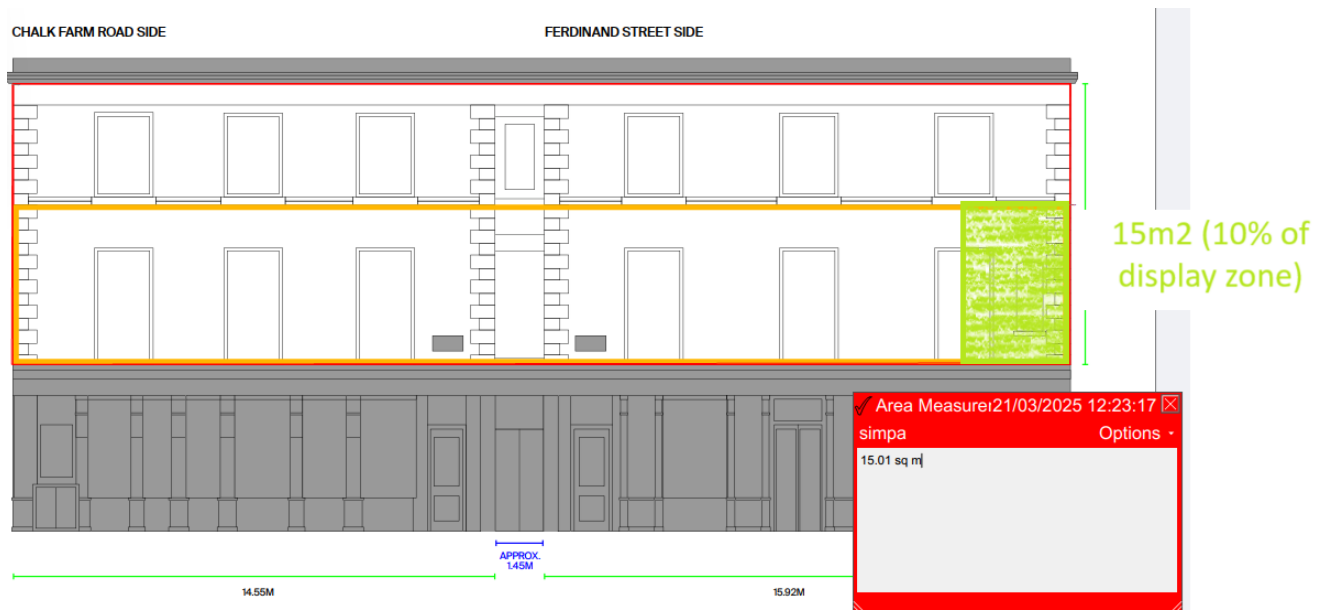
26. The refusal reason asserts that that the inclusion of a limited element of advertising within the murals which are to be painted on the wall, *‘by reason of its size, scale, and prominence in the streetscene, would constitute an inappropriate and visually dominant addition,’*. This assertion is considered to be unfounded, and contrary to the detail of the submitted proposal, as it was explained in the application submission.
27. In considering the LPA’s conclusions on the issues of ‘size and scale’, it is important to remember that the only aspect of this proposal which triggers the need for Advertising Consent is the proposed inclusion of branding, i.e. logos and/or ‘copy’ text. The walls can be painted with artwork and/or signage relating to the premises without the grant of Advertising Consent being required. As outlined above, it is proposed that any branding or other commercial imagery be confined to the lower half of the wall (within the area edged in gold on the proposed elevation), with any branding or recognisable logos/branding being limited to a maximum of 10% of that display area. The proposed ‘display zone’ (gold area) measures approximately 150 square metres in area, meaning that under this proposal, no more than 15 square metres of surface area could be given away, in any given mural design, to branding or other imagery which would constitute ‘advertising’.
28. Therefore, the issue to be considered here is the extent to which the inclusion of this modest, limited amount of advertising would be so harmful to the street scene, in these specific circumstances and on this specific site, to render the proposal unacceptable. It is submitted that the size and scale of the proposed ‘display zone’ would be sufficiently modest, being intentionally confined to the lower half of the wall in order to prevent the artwork ‘dominating’ the host building, or appearing unduly prominent in the street scene. Figure 3, overleaf, is a street scene image of the appeal property, with the proposed display zone highlighted. It is considered that this image confirms that the inclusion of branding in this limited, low level section of the walls would prevent the proposed advertising appearing unduly prominent.

**Figure 3 – Street scene image showing proposed display area (shaded gold)**



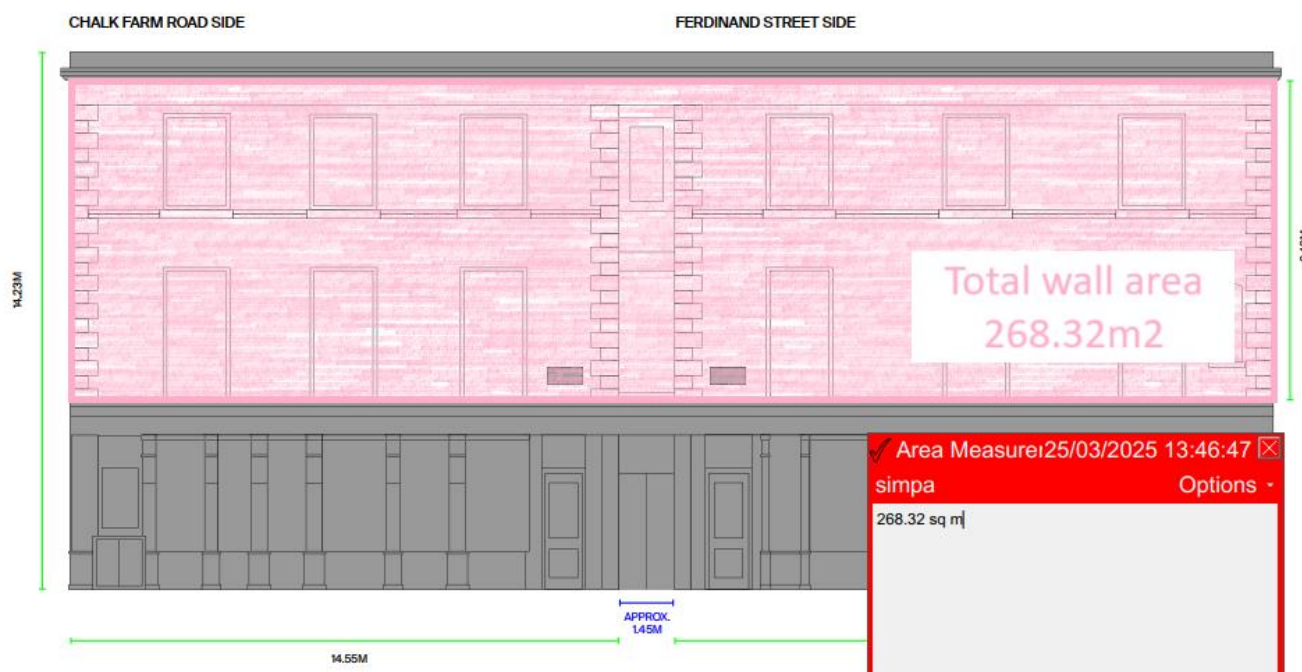
29. Further, the 10% (or 15m<sup>2</sup>) maximum limit for commercial content would also prevent the advertising element of each design appearing overpowering or unduly prominent. In this regard, Figure 4, below, is an extract, drawn to scale, from the submitted elevation plan which shows, shaded in green, an area measuring 15 square metres. This is the maximum amount of surface which it is proposed could be given away, within any proposed mural design, to branding or commercially recognisable copy.

**Figure 4 – Example of extent of maximum proposed logo area (10% of total mural – or 15m<sup>2</sup>)**



30. To be clear, the proposed 15m<sup>2</sup> maximum commercial allowance represents 10% of the proposed 'display' zone, but amounts to **just 5.6% of the total surface of the application walls** which, as confirmed below at Figure 5, measure 268m<sup>2</sup> in surface area.

**Figure 5 – Total surface of application walls**



31. In this context, it is submitted that the LPA's contention that the proposed designs would, by virtue of their '*size, scale, and prominence in the streetscene...constitute an inappropriate and visually dominant addition*', is unfounded, having been arrived at based on an overly simplistic assessment of the proposal. The submitted proposal would ensure that any commercial imagery within the proposed murals would be confined to a defined area of the wall, and also that, within that display zone, no more than 15 square metres of wall space could be used for the display of commercial content. It is submitted that these measures would be more than sufficient to ensure that the proposed murals did not appear 'inappropriate' nor 'visually dominant' in the street scene, particularly given the unconventional, unique character of the surrounding area, the character of which will be considered further below.



## Issue 2 – Artwork would be ‘detrimental to the character and visual amenity of the host building and wider streetscene’

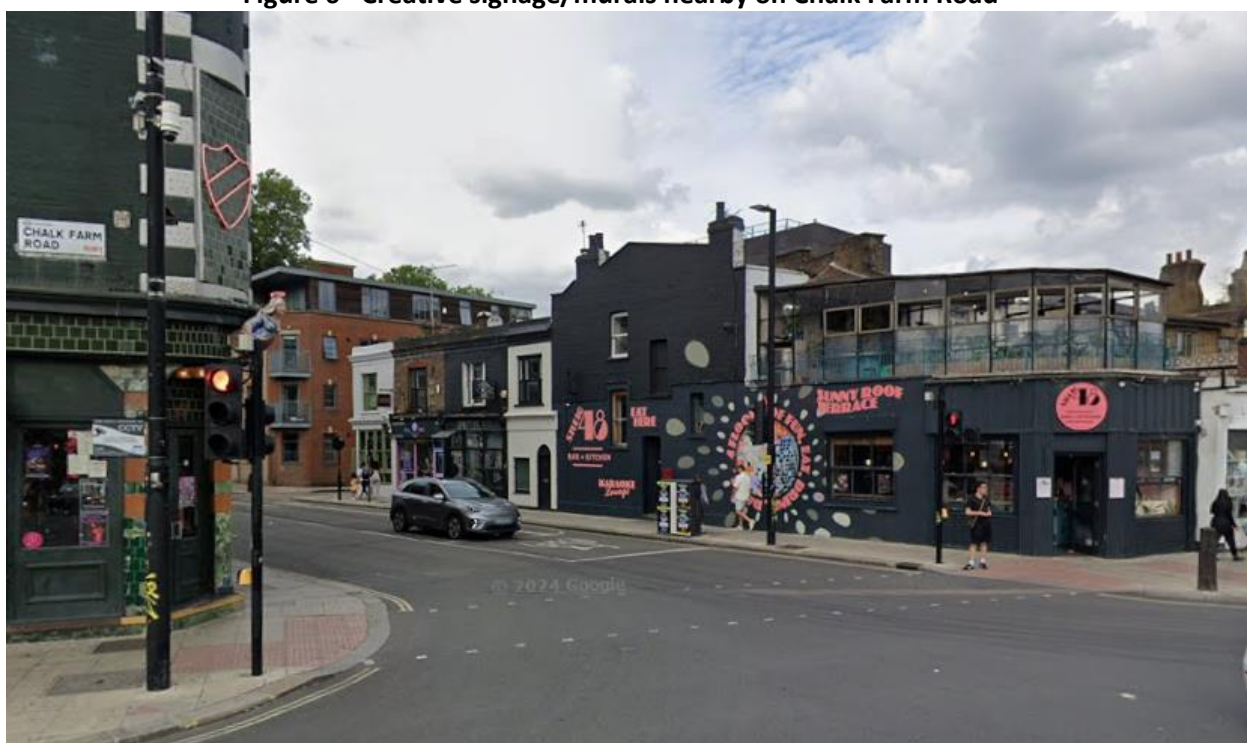
32. Given the wider context of the unique, characterful street scape of the Camden Market ‘quarter’, it is considered that, in this case and on this site, the location of the proposed artwork is appropriate and is appreciably consistent with the prevailing character of the area. This is a view which was shared by the Inspector when determining the appeal at 226 Camden High Street, which also lies within the Market Quarter, approximately 300 metres to the east. The character of this locality was described, by the Inspector in that case, as having ‘its own specific aesthetic with shops featuring a **wide range of front fascia** and **projecting fascia signage**, with many examples of **unique and artistic approaches to advertising** such as **colourful painted murals** and **large 3D displays** which gives the area a vibrant characteristic’.
33. More widely, the refusal reason also appears to be based on an assumption that displays of this type, which are as much concerned with the display of public art as they are with advertising, are inherently harmful to amenity and are therefore to be blocked where possible. It is submitted that far from being detrimental to amenity, street art displays such as that proposed here are beneficial in terms of adding colour and vibrancy to streetscapes, particularly in a location such as this, and also in making a contribution to community cohesion and sense of place. Numerous academic studies confirm this fact, and details of the related research can be provided to the Secretary of State upon request.
34. In this regard, the refusal reason asserts that the painting of artworks upon the proposal walls would be somehow unsympathetic, and consequently ‘*detrimental to the character and visual amenity of the host building and wider streetscene*’. The issues of the surrounding character, and the consistency or otherwise of the painting of murals advertising drinks sold on the application premises, and/or depicting the artists who perform there, are referred to in the Officer Report and form part of the justification for refusal of the application.
35. Whilst the LPA’s refusal reason refers to the proposed murals being ‘unsympathetic’ to local character, some of the content within the Officer Report serves to demonstrate that the proposed artworks would, in fact, be consistent with that existing character, and would even be of a similar format to other ‘good practice’ examples to which the report refers.
36. Issues pertaining to the appropriateness, or otherwise, of artistic signage such as that proposed here, are considered at Paragraph 3.9 of the Officer Report. That paragraph, reproduced overleaf, seeks to

disassociate the appeal site from the character of the Market Quarter, by arguing that the appeal site is geographically divorced from it, and that the kind of vibrant, creative artwork for which the Quarter is known is not evident this far west on Chalk Farm Road:

*'3.9 The character of this part of Camden Town differs from that of Camden High Street and the southern parts of Chalk Farm Road. The immediate context of the application is absent of the painted murals and eclectic advertisement. Further south the character of Camden Town is derived from the eclectic mix of shopfronts and painted murals which are a common feature on the upper floors of the buildings along Camden High Street and Chalk Farm Road. These murals largely consist of paintings that relate to the retail use at lower floors.'*

37. It is submitted that this assertion is contrary to readily available evidence, which confirms that this section of Chalk Farm Road displays numerous examples of murals and other street art which remain very much typical of the eclectic and visually unconventional character of the Market Quarter. Examples are included below and overleaf, at Figure 6.

**Figure 6– Creative signage/murals nearby on Chalk Farm Road**



**'Studio 48' Bar/Café – Immediately opposite the appeal site**



**'Cottons' Restaurant – 55 Chalk Farm Road (25 metres west of the appeal site – includes alcohol advertising)**



**Joe's Bar Camden – 78-79 Chalk Farm Road (160 metres west of the appeal site)**



38. The LPA also draws attention, in Paragraph 3.9 of the Report, to a property close by to the appeal site, where creative painted artwork has been used to promote the business which operates inside. The report highlights this nearby example as being indicative of local character, with Paragraph 3.9 stating the following:

*‘Further south the character of Camden Town is derived from the eclectic mix of shopfronts and painted murals which are a common feature on the upper floors of the buildings along Camden High Street and Chalk Farm Road. These murals largely consist of paintings that relate to the retail use at lower floors.’*

39. The image which is produced in the Report as an example of good practice, and of the kind of artistic advertisement which the LPA implicitly recognises as being indicative of the distinctive character of this area of the town, can be seen overleaf at Figure 7 (‘Hala Wala – yellow themed mural’). There are numerous other recent cases where the LPA has supported murals which relate to the business undertaken on the premises. Three examples (there are many more) can also be seen overleaf at Figure 7.

- a. 229 Camden High Street, NW1 7BU (‘Hey Tea’ 2024/1586/A); and
- b. 239 Camden High Street, (‘KFC’ – reference 2022/2142/A)
- c. 261 Camden High Street NW1 7BU – (2023/0399/A) (izipizzi)

**Figure 7– Nearby artistic signage cited as good practice by the LPA**





40. Paragraph 3.9 also refers to the 226 Camden High Street appeal, which has been discussed earlier in this Appeal Statement, and which had an influence on the proposal which is the subject of this appeal. Again, the LPA's comments in this section of the Report point to a lack of understanding of the application proposal. Paragraph 3.9 states that the cited example is appropriate because the '*paintings depict the type of the food that is sold at the ground floor premises*'.

41. This comment is made as if it somehow distinguishes the appeal proposal from the good practice example.

The artwork proposed in this application **would** relate solely to the activity which takes place at the premises, be it drinks which are sold in the bar, or live music events which take place at the venue. It is therefore submitted that the proposal is consistent with the nearby case which the Officer Report cites as an example, and also with the thrust of the 226 Camden High Street appeal decision, which is that creative signage which promotes the goods and services being offered on site by an independent business, is consistent with the established character of the Market Quarter and can, therefore, be supported in principle. It has been clearly demonstrated in this submission that the proposed displays would promote the bar and music venue which occupies the appeal site, and would contain imagery relating either to products sold on the premises, or artists who were performing there. These comments from the LPA, again, appear to be made in error and do not reflect the submitted application.

42. On the basis of the above, it is considered that the 'size, scale, design and location' of the proposed murals would not be 'detrimental to the character and visual amenity', or 'unsympathetic', but would, in fact, be consistent with the existing, established feel of this area of Camden. The proposal submission makes clear that the requested Advertising Consent could be tightly controlled via planning condition, with any commercial content being confined to a low level, and taking up no more than 10% of the surface area within the display zone. More widely, the character of this area is identified both the LPA itself, and also previously by an Inspector, as being defined at least in part by the presence of creative, artistic signage, including at first floor level, which promotes local independent businesses. It is submitted that this proposal is entirely consistent with that existing character and approach.

### Issue 3 – Proposal ‘*would also harm the setting of the adjacent Regent's Canal Conservation Area and Grade II\* listed Stables Market*’

43. The final issue raised by the LPA in refusing this application was the perceived impact of the proposal upon the setting of the nearby Listed building referred to as ‘Stables Market’. Despite being referenced in the refusal reason, the issue of the impact upon the Stables Market building is touched upon only briefly in the Officer Report, at Paragraph 3.11.

44. In this regard, Paragraph 3.11 states:

*‘...the scale and location proposed would appear as an incongruous addition which harms the character and appearance of the streetscene, the setting of the adjacent conservation area, and Grade II\* listed building which are [sic] located directly opposite.’*

45. On the issue of heritage significance, it is important to note here that this proposal relates to hand painted murals, which are widely accepted as being the most traditional and heritage-conscious form of advertising. No illumination is proposed. No digital or moving imagery is proposed. No supporting apparatus would be required. In the case of each proposed mural, the walls would simply be cleaned and painted with the chosen artwork. At the cessation of the display of each mural, the walls be repainted in order to return them to their previous appearance (again, this is a practice which can be stipulated and secured via simple planning condition). At the end of each display period, therefore, the building would be returned, seamlessly, to its ‘normal’ appearance. Hand painted signage of the type proposed here is the oldest, most traditional form of signage and is, it is submitted, highly preferable in comparison with more modern methods, for example the use of ‘box’ fascia signs, billboards or digital screens. In this sense, therefore, it is submitted that the proposal has notable heritage credentials, which must weigh in its favour.

46. Specifically in relation to the impact of the proposal upon the setting, and therefore the heritage significance, of the Stables Markets building, the appeal site is located across the highway from that Listed site, 23 metres away at the nearest point, and overlooks only its high boundary wall, as pictured overleaf at Figure 8. This is the view of the Stables Market site when stood at street level, immediately outside of the appeal property, looking south east.



**Figure 8 – View of nearby Stables Market site**



47. Whilst it is recognised that the high boundary wall of the Stables Market site bears heritage significance in its own right, the LPA fails to explain how and why the presence of painted signage across the road would result in ‘less than substantial harm’, for the purposes of NPPF Paragraph 215, to its heritage significance. It is acknowledged that, from certain vantage points within the street, it would be possible, during the temporary periods where a mural design was being displayed, to see both the appeal site and also the enclosing boundary wall of the Stables Market site. It does not automatically follow, however, that the joint appearance of both of these features within the street, on an occasional, temporary basis, would result in material harm to the significance of the Stables Market site, which is clearly more appreciable from inside the site itself.
48. In considering this aspect of the appeal proposal, it is important to remind oneself of particular facts which conspire to demonstrate the LPA’s misjudgement of this case. The proposed murals would be hand painted, requiring no associated apparatus or ancillary development. They would, by their nature, be static. They would not be illuminated. They would be temporary, being displayed usually for 28 days and then seamlessly removed. For the vast majority of the year, the building would not display murals, but would be of its ‘usual’ appearance. The displays would be primarily artistically-focused, albeit containing - in a subtle and controlled way - branding or logos. Indeed, the proposed designs can, minus the inclusion of any branding or logo, be painted at the site in any event, without any consent being required, under Part 2, Class (c) of the GPDO.

49. In relation to heritage matters, therefore, it is submitted that the LPA's particularly brief assessment of the case was misguided, and that for the purposes of NPPF Paragraph 215, the appeal proposal should not be considered to result in 'less than substantial harm' to designated heritage assets. It is submitted that no material heritage harm would be caused by the occasional, and temporary, painting of artistic hand painted signage upon the building. As such, there is no requirement to demonstrate 'public benefits' in order to justify the proposal.
50. Notwithstanding the above, it is very much considered that the display of murals upon the building would supplement and contribute to the artistic and unconventional feel of this locality, thereby bringing public benefits in terms of the enjoyment, by the local community and visitors alike, of the proposed artworks.

## Summary and conclusions

51. This Appeal Statement has set out the background to the case, confirming that the painting of artwork, including murals, upon the appeal wall does not, in and of itself, require planning consent nor Advertising Consent. This proposal seeks the grant of Advertising Consent for the display of hand painted artistic murals relating to the established use of the appeal property as a bar and live music venue, in order to promote the goods and services on offer on the premises, namely drinks which are sold in the bar, and the musical artists who perform there. The reasoning behind the original application was to seek consent for the inclusion, where required, within those artistic designs, of branding or imagery identified with the drink or performing artist being promoted in any given case. In order to ensure that any commercial imagery or branding within the proposed mural displays would remain both subservient and subtle in its appearance, the submitted plans confirm that this content within the overall displays would be confined to the lower section of the display wall, and would never exceed 10%, (or 15 square metres), of that total advertising display zone.
52. To be clear, all artwork displays to be permitted under the consent which is sought would always relate solely to goods which are on offer inside the bar premises. No advertising which did not relate to the venue's own offering would be undertaken. None of the permitted displays would publicise or promote goods or services other than those which are available inside the premises.
53. The proposal is considered to be consistent and sympathetic to the unique established character within this area of Camden, centred around the famous 'Market Quarter'. This character, which is unique in its vibrancy and creative feel, is recognised by the LPA as being *'derived from the eclectic mix of shopfronts and painted murals which are a common feature on the upper floors of the buildings along Camden High Street and Chalk Farm Road. These murals largely consist of paintings that relate to the retail use at lower floors'*. This Statement has also referred to a recent appeal decision on a nearby site, where the appointed Inspector observed that *'Camden has its own specific aesthetic with shops featuring a wide range of front fascia and projecting fascia signage, with many examples of unique and artistic approaches to advertising such as colourful painted murals and large 3D displays which gives the area a vibrant characteristic, and concluded that 'relating adverts to the premises they are associated with is a fundamental feature of the local area'*.
54. With regard to heritage, it is submitted that the appeal proposal should not be considered to result in 'less than substantial harm' to designated heritage assets. It is submitted that no material heritage harm would

be caused by the occasional, and temporary, painting of artistic hand painted signage upon the building. As such, there is no requirement to demonstrate 'public benefits' in order to justify the proposal.

55. It is submitted that, contrary to the LPA's contentions in refusing the application, the proposed artworks would sit comfortably within the unique townscape in this area of Camden, and that the high quality mural would in fact supplement and enhance that character, in a way which would be consistent with the feel of the locality, which is as identified both by the LPA and previous appeal cases as being unique and somewhat unconventional.
56. Therefore, on the basis of the above submissions, the Secretary of State is respectfully requested to overturn this misguided and ill-founded refusal, and to grant consent for the proposed display of hand painted murals at the appeal site, on the terms described herein. Should it be the case that further discussion is required, during the course of this appeal, regarding the imposition of planning conditions in order to ensure that any forthcoming consent is controlled and regulated to the satisfaction and comfort of all parties, such conversations will be welcomed, and not resisted. The Appellants wish to make clear that the imposition of reasonable conditions to this effect will not be resisted.



# Appendix 1 - Submitted Design Statement

Proposed display of Hand painted advertising (relating only to business being carried out at the site) –

49 Chalk Farm Road, London, NW1 8AN

## Design statement

Statement prepared on 20<sup>th</sup> November 2024 by Richard Jewkes BSc DipTP MA

Simpatico Town Planning

[simpaticotownplanning@mail.com](mailto:simpaticotownplanning@mail.com)

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**Simpatico**  
Town Planning

# Introduction

1. This Statement is submitted by Simpatico Town Planning in support of an application which seeks Advertising Consent for the display of Hand Painted Advertising ('HPA'), in the form of street art murals which will occasionally include the logo or other imagery associated with a corporate sponsor.
2. Consent is sought for the display of the proposed murals on the two facades of the property known as 'The Camden Assembly', at 49 Chalk Farm Road, London, NW1 8AN. The application seeks the grant by the London Borough of Camden Council ('the LPA') of a five-year advertising consent for the display of various managed artworks, to include, where required, branding relating the content of the mural, advertising products or services being offered **by the business which occupies the site;** namely a bar and live music venue. Simpatico Town Planning have been commissioned by the applicant to submit the application on their behalf and act as their agent during the planning process.
3. This Statement will set out the case in favour of the proposed display of murals, referring to national planning policy and legislation, and also to local planning policies and guidance. It will also present the history of the property, which includes the long-standing display of murals and artwork, and will provide an indication of the type of advertising artwork which it is proposed to display at the site.
4. Specifically, it is proposed that any advertising content to be included in murals painted upon the wall **will relate only to the business which is taking place on site, so either promoting drinks which are sold in the bar itself, or promoting the use of the premises as a live music venue.** As this Statement will confirm, this approach is in line with written advice previously received from the LPA. It is also proposed, in order to ensure that any advertising content would not be unduly prominent or cause detriment to the surrounding character, that any branding to be included within the murals will be restricted to no more than 10% of the wall's overall surface area, and will also be confined only to the lower half of the display wall.
5. Generally, the display of the painted artworks proposed in this application does not require advertising consent, as they constitute permitted development under Part 2 Class C of the Town and Country (General Permitted Development) Order 2015 (as amended). The relevant provision within the Order (hereafter referred to as 'the GPDO') reads as follows:

**Permitted development**

***C. The painting of the exterior of any building or work.***

**Development not permitted**

**C.1** Development is not permitted by Class C if the painting is for the purpose of advertisement, announcement or direction.

**Interpretation of Class C**

**C.2** In Class C, “painting” includes any application of colour.

6. Despite the fact that the display of hand painted artwork at this site is exempt from planning control under Part 2 Class C of the GPDO, this application is submitted in order to seek consent for the occasional display of a limited amount of advertising, to be included within sponsored mural designs displayed perhaps three or four times a year, in the form of logos or other recognisable imagery associated with the sponsor.
7. In order to provide clarity and comfort, both for the applicant and the LPA, it is proposed that no more than 10% of the surface area of any mural to be displayed upon the building may be given over to logos or copy associated with a mural sponsor, avoiding domination of the street scene. The applicant is content for limitations such as this to be agreed via negotiation during the life of the planning application and to be controlled via planning condition henceforth.
8. It is proposed that the displays to be painted onto the wall would be temporary, being updated periodically, with the wall being made good and repainted with art or a neutral colour when not in use. Wherever possible, paints used both when creating the proposed murals, and during the wall's dormant periods, could contain pollution-absorbing materials, to the benefit of the environment. Paints, and also clear top-coats, are available which remove Nitrogen Oxides (NOx) from the atmosphere. More information regarding the applicant's intentions in this regard is available on request.
9. Any displays applied to the wall under the proposed would be hand painted. This is considered to be an appropriate method and style for central locations where historic buildings are often present.

## Application site and surroundings

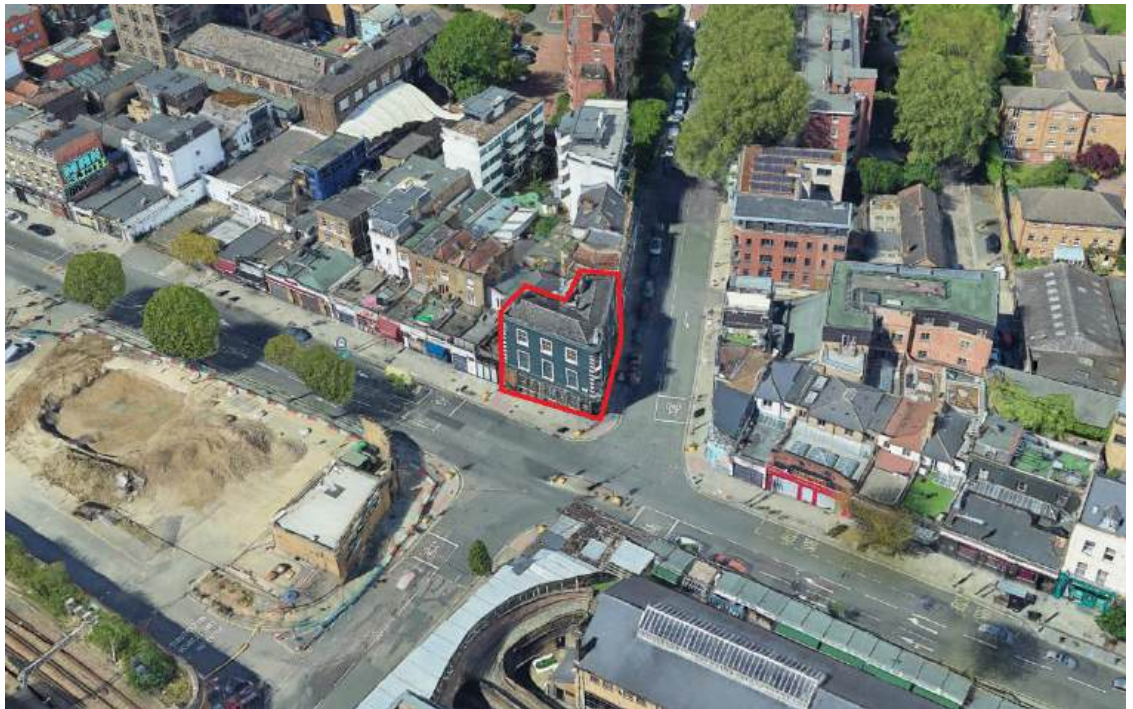
10. The walls which are the subject of this application is the flank wall of a hospitality premises at the junction between Chalk Farm Road and Ferdinand Street, in the Haverstock Ward of Camden Borough. The property has operated for some years as a bar and live music venue, presently known as 'The Camden Assembly' (formerly 'Camden Barfly'), and is located in a highly vibrant area of the Borough, on the fringe of the 'market quarter', and being surrounded by other hospitality venues, retailers, professional services agents, and other 'town centre' uses.
11. The site is in a lively, central location, and the locality displays numerous adjacent examples of creative signage and other advertisements, many of which are illuminated (unlike this proposal). Figure 1, below, is a recent photograph of the application premises, as viewed from the front on Chalk Farm Road. Figure 2, overleaf, comprises aerial photographs of the site which take in the surrounding streetscapes (application property edged in red). All aerial and street view images in this document are provided by Google.

**Figure 1 - The application property - 49 Chalk Farm Road**





**Figure 2 - Aerial images of the site**



12. Being of dual aspect design, the application property addresses both Chalk Farm Road and also Ferdinand Street, with its two principal facades running along the back edge of the pavement in both streets. This application proposes the painting of murals upon both of those facades, in the areas above the main 'shop' fronts at ground level. Figure 3, overleaf, indicates the extent of the proposed display area.

**Figure 3 - Extent of application wall**



13. The property is located within the boundary of Camden Town Centre. It is not in a conservation area, and nor is it Listed. However, it is bordered by Regents Canal Conservation area opposite, and also overlooks onto the Grade II\* listed Stables Market to the south-east.



# Photographic Survey (taken in August 2022 – Google Maps):

## I. Chalk Farm Road Elevation (looking east)



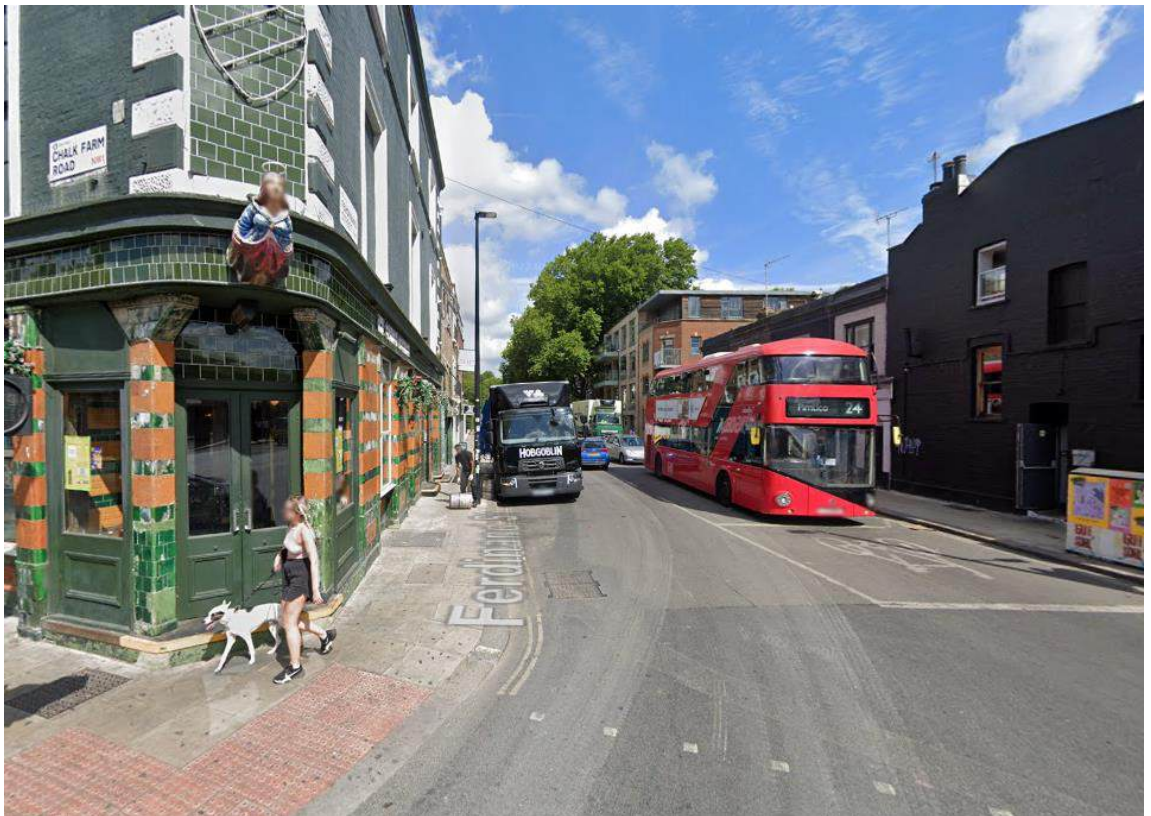
## II. Chalk Farm Road Elevation (looking west)



III. Looking northward across Chalk Farm Road



IV. Street scene in Ferdinand street looking north





V. Street scene in Ferdinand street looking south



VI. Creative painted signage at nearby bar/café - including alcohol advertising



# Planning history and details of the proposal

14. Whilst there is currently no formal consent in place for the use of the proposal walls for advertising, there is a long history of the facades of the building being used for the display of art, including murals which have contained an element of advertising. This activity has been taking place, on the basis of the available evidence, over a period of at least nine years, since 2015.
15. Examples of the murals and other artwork which have historically been displayed upon the wall are included below at Figure 4. Some of the works which have displayed over the years included advertising associated with the use of the building, i.e. sponsored murals which bore the logo/branding of drinks sold on the premises, and also of musicians who performed inside. Other works included advertising which did not relate to the business taking place on the premises, and as such were the subject of enforcement action on the part of the LPA. To reiterate, this application proposes only the display of murals which relate to the business taking place on the premises, to include either drinks on sale in the bar, or musical acts performing inside. The images included below are submitted in order to provide background, and also in order to show 'real world' examples of the kind of murals which it is proposed to display at the site in future, should this application receive support.

**Figure 4 - Previous murals/artwork displayed on the application wall relating to the business**

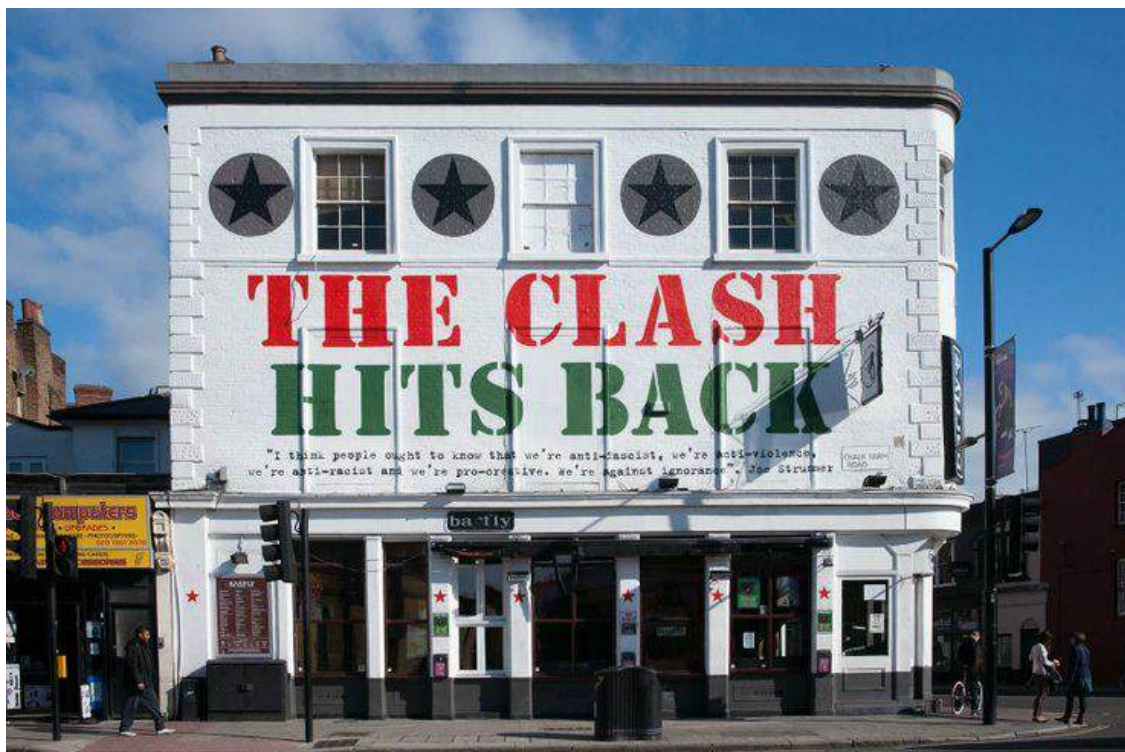


**Jack Daniel's mural**





'The Kraken' rum mural



The Clash mural





DJ mural

General advertising artworks/murals – not proposed under this application









alamy

Image ID: DBTEB1  
www.alamy.com



alamy

Image ID: CF69VR  
www.alamy.com

16. The murals which it is proposed to paint upon the wall, and which would sometimes contain advertising through the inclusion of imagery associated with the mural sponsors, would always still be primarily art-led, with only a limited proportion of the wall's surface area being given over to the logo/branding of the sponsor in each case. Importantly, they would also relate solely to the business taking place on the premises - advertising drinks which are offered for sale inside the bar, or promoting musical acts performing on the premises.
17. It is also important to note that, unlike many of the historic murals painted upon the building, the proposed displays would not be illuminated, and would be entirely static, being hand painted onto the substrate surface of the facades of the building.
18. **Previous refused application – LPA reference 2019/5307/A:** It is noted that, in 2020, a previous application which proposed the display of two illuminated screen signs at the application site was refused by the LPA. The application proposed the introduction of a building shroud (building works requiring scaffolding were taking place at the time), together with the installation of two illuminated signs for general advertising use. The delegated Officer Report for that refusal described the proposal at that time as follows:

*The application relates to a temporary (6 months) display of an illuminated banner measuring 31.3 metres in width over both the Chalk Farm Road and Ferdinand Street elevations.*

- *Building replica shroud on Chalk Farm Road and Ferdinand Street at first floor level only measuring 170 sq.m area coverage*
- *Illuminated sign covering this first floor on each elevation, measuring approximately 50 sq.m area at 5.5 metres in height and 9 metres width each.*

19. The previous application was refused due to concerns on the part of the LPA regarding the impact of the proposal upon visual amenity. The Officer Report explains as follows that, given the illuminated nature of the proposed signs, and the fact that they would display advertisements which did not relate to the host premises, they would be detrimental to amenity and would not be consistent with the character of this section of Chalk Farm Road. The report highlighted that the street scene does feature extensive first floor advertising, but only generally relating to the business taking place at each premises:

*'The proposal as submitted would by virtue of its size, design and location, would be harmful to the visual amenity of the area, the character and appearance of the host building and setting to the adjacent conservation area, and the special interest of the adjacent listed buildings.'*

20. The Officer Report elaborates upon the importance of high level creative advertising in this area of the town, and draws a clear distinction, citing comments from an Inspector, between creative high level displays which advertise the business operating on site (usually at ground floor) and more general, opportunistic advertising which does not relate to the host premises, nor the wider locality. The Report explains the LPA's stance in this regard, as follows:

*'In a recent appeal against a discontinuance notice for a site at 226 Camden High Street, the Inspector notes that there are a 'plethora of advertisements located above first floor level of the buildings. **The majority of these adverts relate to the businesses taking place in the building.** This is reflected in the **artistic, funky and eclectic nature** of the associated displays. Typically, these advertisements displays are **not illuminated above ground floor level** but, where they are illuminated, this tends to be static in nature. **These advertisements and displays above first floor level make a significant contribution to the unique character of this part of Camden Town.**'*

21. These comments from the Inspector who considered the discontinuance appeal against a digital screen at 226 Camden High Street have informed this current application. This proposal seeks to be consistent with the LPA's approach of supporting high level creative advertising where a) the content relates to the business taking place at the premises, b) no moving imagery or illumination are proposed, and c) the proposed displays would be creative and reflect the unique bohemian character of this area of Camden Town. As such, this application proposes more prescriptive, controlled terms upon which the proposed murals would be displayed, with the aim of addressing the LPA's previous concerns regarding advertising at this property.
22. As has been outlined, it is proposed that any advertising content relates only to the products and services on offer inside the premises. At the time of writing, therefore, this would relate to the drinks and live music performances which are offered on the premises. However, should the use of the



building change during the life of the proposed consent, for example to a retail use, the conditions of the approval which is sought would remain in force, and therefore would ensure that any advertising content to be included within any future murals would continue to only relate to the products and services on offer inside the building.

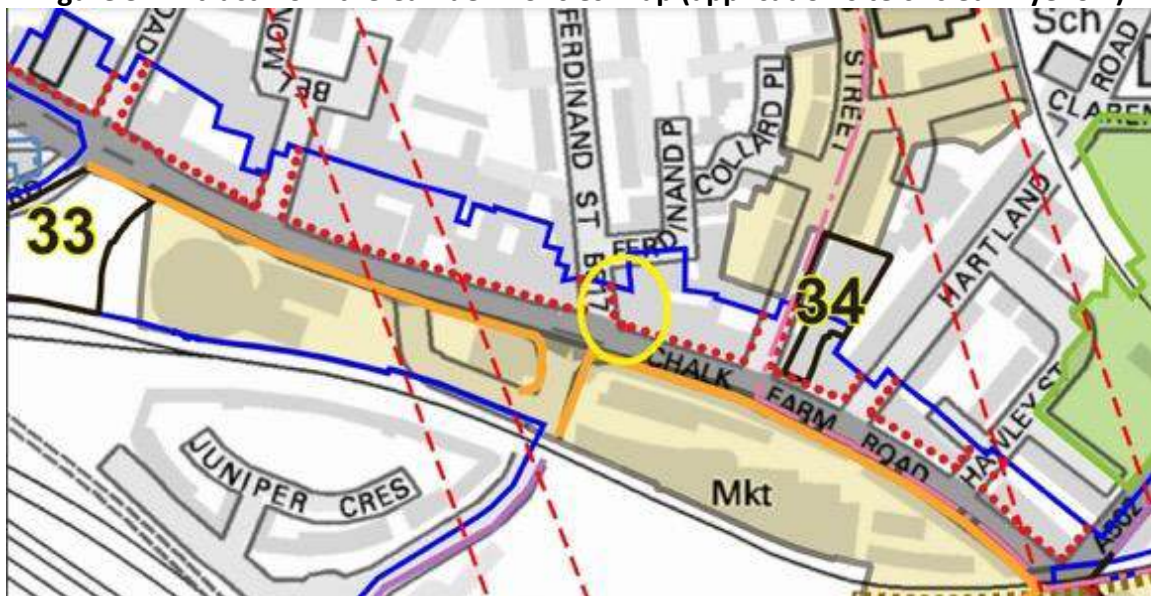
23. Secondly, it is proposed that any consent which may be forthcoming would be based upon, and indeed conditional upon, the submitted 'proposed' elevation drawing. This drawing confirms and defines the proposed display area, spread across the two elevations, and it is proposed that no more than 10% of that surface area would be used for branding. It is considered that this limitation would prevent any advertising content within the overall artwork from overwhelming its primarily artistic nature, thereby protecting visual amenity and character in the street.
24. Thirdly, it is proposed that the location, within the overall mural displays, of any advertising content, would also be confined to a specific, defined area of the wall. Again, the 'proposed' elevation drawing which accompanies the application conforms this aspect of the proposal, with the proposed 'advertising zone' being confined to the bottom half of each facade, at first floor level. Again, this feature of the proposal is intended to ensure that the advertising content within the overall artwork would be prevented from dominating the overall wall (for example by being located at a higher level in the centre of the gable), and thus prevented from appearing obtrusive or unduly prominent.
25. It is considered that these aspects of the scheme represent a much more subtle and tightly controlled proposal than that which was previously put forward in 2020. As such, there is 'clear blue water' between the previously refused application and this current submission, and the LPA is invited to make a fresh assessment on that basis.

# Local planning policy

## Camden Local Plan (2017)

26. The Camden Local Plan Is the definitive local development plan for the Borough of Camden, and sets out the Council's vision and policies relating to planning over the period 2016 to 2031.
27. The application site is affected by various policies within the Camden Local Plan which pertain to this proposal. These will be discussed here in turn, in the context of the proposed development. Figure 5, below, is an extract from the local Camden Policies Map which shows the application site circled in yellow.
28. The Proposal Map confirms that the application wall is located within the boundary of Camden Town Centre, and is also part of designated 'sensitive' frontage which takes in the adjacent properties on this stretch of Chalk Farm Road. It is not Listed, and there are no Listed buildings nearby whose setting would be affected by the proposal.

**Figure 5 - Extract from the Camden Policies Map (application site circled in yellow)**



29. **Policy D1 (Design):** Policy D1 sets out a commitment on the part of the Council to '*secure high-quality design in development*', and presents a list of criteria which it is considered embody the principles of good design.

30. The proposed display of murals on the application wall is considered to be respectful of local context and character, particularly given the presence of existing, vibrant colouring, applied all along Chalk Farm Road, Camden High Street and the numerous streets which branch off this central hub of the Town Centre. The proposed murals would integrate well with the surrounding environment, which is already very lively in visual and sensory terms, supplementing the existing vibrant atmosphere which exists in and around Camden Town Centre. It is considered that the scale and style of the proposed murals would be appropriate in this location, without being overly prominent or dominating the street scene. Also, unlike billboards and other forms of outdoor media, the application wall, when out of use, could be reset back to a neutral colour, or repainted to display a piece of community art, which it is considered would be of benefit to general amenity and to community cohesion.
31. **Policy D4 (Adverts):** Policy D4 states that *'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'*. The work commissioned by the applicant has been presented earlier in this statement and it is considered that the artwork which would be displayed on the wall would respect the character of the street, being appropriate in the context of the vibrant environment of Camden Town Centre. The proposed use of the wall would also enhance its appearance and would enliven an uncharacteristically dull feature within the streetscape.
32. The cultural significance of this section of Camden Town Centre is very much appreciated, and the ethos of Global Street Art is concerned with crafting 'painted cities' containing artwork which invigorates local communities and creates colour and an enhanced sense of place. The proposed works would be of the highest possible quality, further enriching amenity and vitality, to the enjoyment both of local residents and visitors. This proposal is therefore considered to be very much 'in tune' with the aspirations of Policy D4.

#### Camden Planning Guidance (CPG): Advertisements - 2018

33. The Council's Advertisement CPG, adopted in March 2018, highlights at the outset the 'Key Messages' regarding the LPA's approach to advertising. These have all been taken into account in the formulation of this proposal, and are namely that;

*In general, the most satisfactory advertisements are those which take into account:*

- *the character and design of the property*
- *the appearance of its surroundings*
- *the external fabric of the host building*

34. Paragraph 1.7 of the CPG advises that '*the most satisfactory advertisements are those which take into account the character and design of the property, its surroundings and alter the external fabric of the host building as little as possible*'. It is considered that the display of hand painted murals upon the application wall represents an opportunity to improve its appearance without altering its fabric in any significant way. The proposed displays would be in keeping with the feel of the surrounding character, and would be removed at the end of their cycle, with the wall being returned to a neutral appearance when dormant.
35. Paragraph 1.8 states that '*Interesting and unique styles of advertisements and signs will be considered acceptable where they are compatible with the host buildings and surrounding environment*'. As has been discussed, this application is concerned with bringing artworks by some of the world's most exciting street artists, based locally in London, to the site. As such, this proposal represents an opportunity to bring murals and street artwork of global standing to this area of Camden. It is therefore unique in that respect and would be of great benefit to the 'surrounding environment'.
36. To summarise, this proposal is considered to be compliant with national and local planning policy, and represents an opportunity to introduce world class artworks, created in the most traditional form, to this lively and vibrant location. The proposal as submitted offers the LPA the opportunity to control the use of the wall via reasonable planning conditions, ensuring that no harm would be caused to the amenity and character of this central location in the cultural and artistic heart of Camden Town.
37. The photographic survey included earlier in this statement confirms that the locality already displays extensive street art, illuminated signage and outdoor advertising, including painted alcohol licensing on other licensed premises. It is considered that this proposal represents an opportunity to add attractive, yet subtle and unobtrusive artwork to the street scene. This artwork would be of an appropriate scale, being confined to the dimensions of the surface of the host wall and, importantly,

would not be illuminated, and would not require the introduction of any potentially unsightly physical structures. This proposal also offers a means of instituting a plan to manage the wall and to ensure that it is well maintained and kept free from tagging and other unauthorised painting going forward.



## Other material considerations – Public Safety

38. Whilst it is appreciated that the LPA will consult with its own highway engineers regarding the potential impact of the proposal upon public safety, it is considered that no danger would be presented either to drivers or pedestrians as a result of this proposal. Each time murals have been painted upon the building in recent years, the Highways Department have been consulted throughout and all necessary permits obtained. Scaffold and Scissor lifts have been used - with traffic management consultants proposing a bespoke scheme for safety cones and barriers. Further information is available on request. Figure 6, below, is a photograph taken during the painting of a previous mural on a different site.

**Figure 6 - Use of scissor lift in accordance with highways permit**



39. The application walls are only visible from certain vantage points, generally being confined to sections of Chalk Farm Road when travelling eastward on the approach to the junction with Ferdinand Street, and from Ferdinand Street itself when travelling either northward or southward. Vehicular traffic on both of these streets is slow moving and subject to a 30 miles per hour speed limit. The junction at this intersection is also heavily controlled by traffic lights, which further restrict the flow of traffic.
40. When travelling east on Chalk Farm Road, towards the junction with Ferdinand Street, the application wall only becomes visible on the approach to the traffic lights, at which point drivers will almost always be required to stop, or at least slow right down, before advancing further. The effect of the traffic restrictions when approaching on Chalk Farm Road is therefore to slow traffic to the point that the appearance of artwork upon the wall would not represent a distraction, during transit, which would raise any highway safety concern.

41. Figures 7 and 8, below, confirm that when approaching the site from either direction on Chalk Farm Road, the application wall is in drivers' peripheral vision, being only visible when actually crossing the junction, at which point vehicles are generally travelling at a very slow speed, due to the traffic lights.

**Figure 7 - View of site when travelling eastward on Chalk Farm Road**

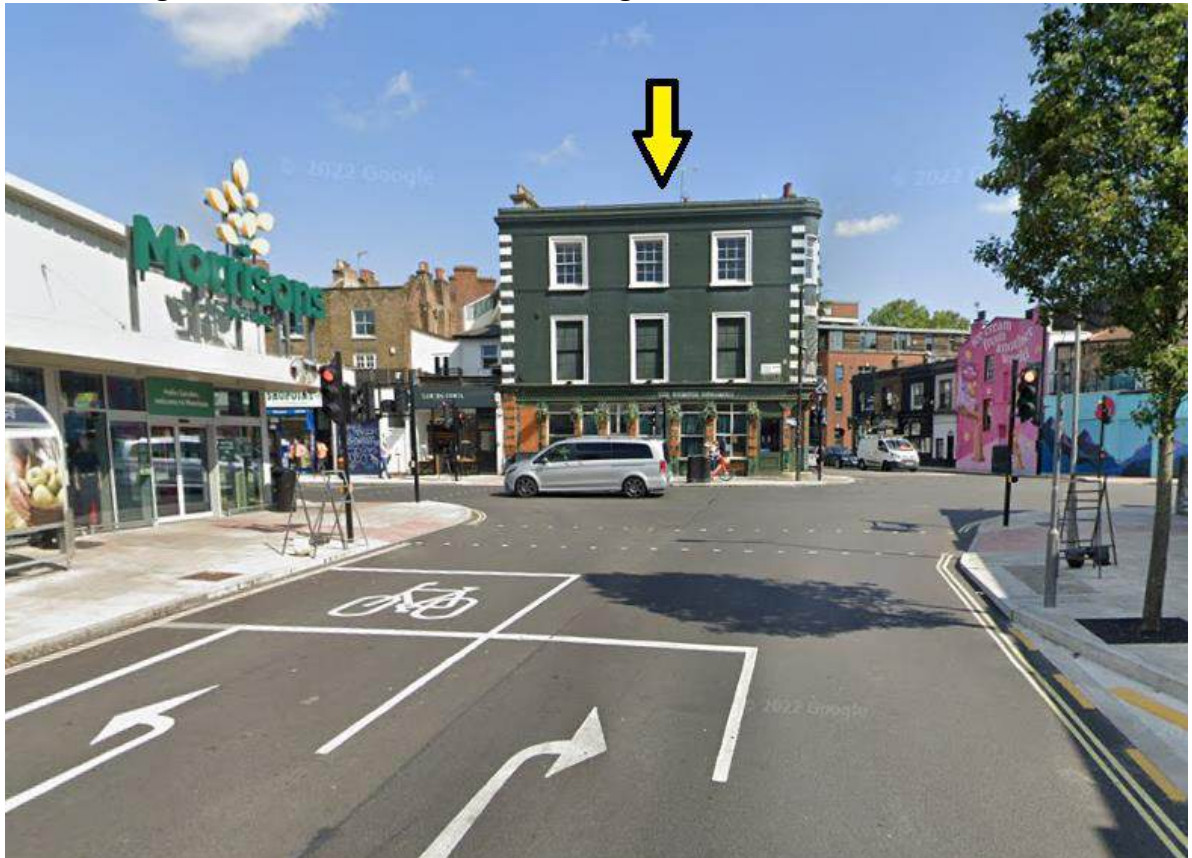


**Figure 8 - View of site when travelling westward on Chalk Farm Road**



42. When travelling site from the south, heading northward on Tottenham Rise, one of the proposed display walls does directly face the oncoming traffic, being perpendicular to the highway. However, again, the wall only becomes highly visible on the approach to the intersection between Ferdinand Street and Chalk Farm Road, where traffic flow is heavily regulated by traffic lights. Vehicles will therefore almost without exception be forced to stop when approaching the site from this direction, waiting their turn at the traffic lights. Figure 9, below, shows the view when approaching the site from the south moving northwards.

**Figure 9 - View of site when travelling northward on Ferdinand Street**



43. Finally, when approaching the site travelling southward on Ferdinand Street, the application wall runs parallel to the highway and therefore to the direction of traffic in either direction, thereby appearing only in drivers' peripheral vision. Traffic flow is, again also regulated by traffic lights, slowing traffic and avoided drivers being potentially distracted when travelling at high speed. Figures 10 and 11, overleaf, show these views.



**Figure 8 - View of site when travelling southward on Ferdinand Street**



44. In addition to the circumstances at this site being amenable in highway safety terms, it is considered, on the basis that no illumination or moving imagery are proposed, that the artwork to be displayed on the wall would not prove a dangerous distraction, but would assimilate well visually in the surroundings. Further, the nature of the proposal is such that the display of hand painted artwork upon the wall would not require the installation of any apparatus or supporting structures which would overhang the public highway and potentially present a hazard over time if poorly maintained. The walls would simply be cleaned and then painted.
45. The proposal is therefore considered to be present no risk in terms of public safety, and is considered to be particularly 'hassle free' and unobtrusive given the simplicity of the painting process.

## Summary and conclusions

46. This proposal would re-establish the display of world class artworks at the application site, reinstating a previously distinctive and iconic feature in the shadows of Camden Stables Market, at the junction between Chalk Farm Road and Ferdinand Street. Whilst, in recent times, the previous mural activity on the building has lain dormant, it was for many years a defining feature of the townscape (as the historic photographs presented in this Statement confirm), attracting visitors to the venue from far and wide, and forming part of the town's rich cultural fabric and character.
47. The application wall has been previously used, intermittently, for a period of at least nine years for the purpose of the display of hand painted murals, often incorporating commercial imagery or logos associated with the mural's sponsor. The use of the wall for the purpose of the display of HPA, funded by sponsors, has therefore taken place over a period of many years without issue, and this application seeks to formalise that activity through obtaining a formal codified consent for the display of artwork upon the building. This submission recognises the sensitivities surrounding the display of artwork of this type, and therefore accordingly puts forward a quite prescriptive, modest proposal, in a manner which seeks to offers the LPA comfort and reassurance that the practice of painting the wall with sponsored artwork will be controlled, and therefore will not come to dominate the street scene nor result in the proliferation of corporate advertising. This application proposes the display of hand painted artwork – not billboards or digital screens.
48. Specifically, it is proposed that any branding or imagery associated with a mural sponsor would relate only to products or services on offer inside the application property, namely therefore to drinks sold inside, or to live music acts due to perform at the venue. This restrained proposal is guided by advice received directly from the LPA previously, which indicated that creative, artistic signage would be supported where its content related to the business being carried out on the proposal premises.
49. It is also proposed, that, in order to ensure that any commercial content within the proposed murals would not be allowed to dominate the overall display, thereby avoiding any excessively prominent 'advertisement', no more than 10% of the overall surface area of each design would be given over to logos, branding or slogans associated with any commercial sponsor. Such an arrangement would easily be manageable and enforceable via planning condition, and is intended to offer the LPA clear



levers to ensure that the proposed artworks would not be dominated by any branding associated with a sponsor, and as such would not cause any detriment to the amenity of the street scene, particularly in a locality which is famous for its creative and colourful townscape. The proposed murals would also be non-illuminated, and would comprise entirely hand-painted, static artwork, thereby posing no threat to public safety in the locality.

50. Whilst this application seeks the grant of a full five year consent for the display of advertising content upon the walls, in reality no more than three or four murals per year would be displayed at the site. In the walls' dormant periods, they would be 'reset', being painted a neutral colour, with any trace of the preceding artwork being removed from the site. Again, this requirement to 'reset' the wall when not in use can easily be secured via planning condition.
51. On the basis of the above submitted case, therefore, the LPA is invited to lend its support to this proposal and to grant the requested Advertising Consent, to the benefit of the locality, and consequently to the local community in Camden Town, reviving the iconic status of the former 'Barfly' venue, and reinstating its contribution to local culture.

## Appendix 2 - LPA Officer Report

<b>Delegated Report</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>29/01/2024</b>
	N/A	<b>Consultation Expiry Date:</b>	<b>N/A</b>
<b>Officer</b>		<b>Application Numbers</b>	
Adele Minza		2024/5093/A	
<b>Application Addresses</b>		<b>Drawing Numbers</b>	
49 Chalk Farm Road London NW1 8AN		See decision notice	
<b>Proposal</b>			
Display of hand-painted murals advertisements on the Chalk Farm Road and Ferdinand Street elevations.			
<b>Recommendation(s):</b>	Refuse Advertisement Consent		
<b>Application Type:</b>	Advertisement Consent		
<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice		
<b>Informatives:</b>			
<b>Site Description</b>			
<p>49 Chalk Farm Road is on a corner plot site consisting of a three-storey public house (The Camden Assembly) located at the junction of Ferdinand Street (to the east) with Chalk Farm Road (to the south). The use of the premises has varied over the years, from a public house to a workshop, an aerobics studio and cocktail bar. It is currently operating as a music venue.</p> <p>It is located within the Camden Town Centre Area. Although the application site is not in a conservation area and is not listed, it is bordered by Regents Canal Conservation area opposite and overlooks onto the Grade II* listed Stables Market to the south-east.</p>			
<b>Relevant History</b>			

## Application Site history

**2019/5307/A** - Temporary display of illuminated banner to Chalk Farm Road and Ferdinand Street elevations. **Refused 27 November 2020.**

### Reason for refusal:

*The illuminated advertisements by virtue of their size, method of illumination, position on the building and prominent siting would, even for a temporary period, cause unacceptable harm to the character and appearance of the host building, the wider street scene, the neighbouring Regent's Canal Conservation Area, and the special interest of the listed Stables market and the area contrary to Camden Local Plan policies D1 (Design), D2 (Heritage) and D4, (Advertisement).*

**2016/2540/A** – Temporary erection of a shroud to Chalk Farm Road and Ferdinand Street elevations from 06/07/2016 to 06/01/2017. **Refused 30 June 2016.**

### Reason for refusal:

*The proposed shroud, by virtue of its size, position on the building and prominent siting would, even for a temporary period, cause unacceptable harm to the character and appearance of the host building and Regent's Canal Conservation Area, and the special interest of the listed Stables market and the area contrary to Local Development Framework policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design), DP25 (Conserving Camden's Heritage) and DP26 (Managing the impact of development on occupiers and neighbours).*

**2003/2083/A** – (refused with warning of enforcement action to be taken on 29/10/2003) – The continued display of an internally illuminated light box advertisement unit.

**AEX0000519** – (refuse advert consent and prosecute on 01/08/2000) - Retention of a 48-sheet advertisement hoarding at second floor level on the west elevation.

### Site Address Enforcement:

EN13/1087 - Windows boarded up to create part of advertisement hoarding – **Breach Ceased**

EN12/0593 - Pub painted red and blue - **Withdrawn**

EN12/0585 - Advertisement for Lovebox painted on pub – **Breach Ceased**

EN04/1114 - 2 x 48 sheet hoarding – **Breach Ceased**

### Other relevant sites:

48 Chalk Farm Road:

**2024/2888/A** - Display of hand-painted advertisements (HPA) on side elevation.  
**Refused 05/09/2024. An appeal has been lodged against this refusal.**

### Reason for refusal:

*The proposed hand painted advertising displays, by reason of their size, scale, design and location, would appear as intrusive overly commercial features that would harm the character and visual amenity of the street setting and locality. The displays are considered to be an unsympathetic and unacceptable form of development that would be detrimental to the special identity, character and appearance of the Camden Town streetscape, harming the amenity of the area contrary to policies D1 (Design) and D4 (Advertisements) of the Camden Local Plan 2017.*

**AE9900794** - Display of an internally illuminated fascia sign with letters measuring 750mm in height on the Chalk Farm Road and Ferdinand Street frontages; painted sign at first floor level flank wall on Ferdinand Street.

**Part Approve/Part Refuse - 23/11/1999. Consent granted for three fascia signs. Consent refused for wall painted sign.**

**Reason for refusal:**

*The proposed advertisement is considered to be unacceptable in that it is contrary to policy UD34 of the Borough Plan, EN64 of the Unitary Development Plan. More particularly the proposed painted flank wall sign would be detrimental to the visual amenities of the area and would detract from the architectural integrity and appearance of the building.*

**Other relevant sites:**

226 Camden High Street:

**EN19/0300 - Discontinuance Notice** dated 5 November 2020

The installation of an illuminated digital advertisement on the flank wall of the property

**Appeal Dismissed – 11/11/2020.**

**Reasons for dismissal of appeal:**

*The advertisement subject to the Discontinuance Notice does not positively contribute to the unique character of this part of Camden Town. On the contrary, it both distracts from and detracts from the contribution made by the eclectic mix of bespoke advertisements that form an integral part of other host properties, and which collectively make a significant contribution to the unique character of Camden Town.*

**2022/0963/A** - Display of hand painted mural advert on brick flank wall. **Refused - 15/08/2022.**

**Reasons for refusal:**

*The proposed advertisement, by reason of its size, scale and prominence in the streetscene, would result in an inappropriate and visually dominant addition which would cause harm to the character and appearance of the host building and streetscene, contrary to policies A1 (Managing the impacts of development), D1 (Design) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017.*

## Appeal Dismissed - 03/03/2023

Reasons for dismissal of appeal:

*The prominent display of advertisement that would not relate to the premises to which it would be associated would not reflect the key characteristics of the local area. Whilst not determinative in reaching this conclusion, I have considered the aims of Policy A1 of the Camden Local Plan 2017 which seeks, amongst other things to protect amenity, Policy D1 which requires development to respect local context and character, and Policy D4 which requires advertisements to preserve or enhance the character of their setting and host building.*

### Relevant Policies

#### National Planning Policy Framework 2024

#### The London Plan 2021

#### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy D4 Advertisements

#### Camden Planning Guidance (CPG)

CPG Advertisements (March 2018)

CPG Design (January 2021)

CPG Amenity (January 2021)

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

### Assessment

#### 1. Proposal

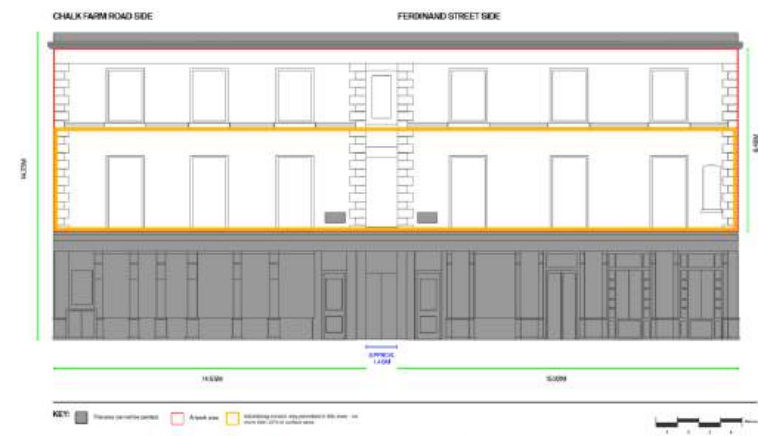
1.1. Advertisement consent is sought for the display of Hand Painted Advertising ('HPA') in the form of street art murals on the two facades of the property known as 'The Car Assembly'. This will occasionally include the logo or other imagery associated with corporate sponsor. The advertising would consist of the display of various managed artworks, to include, where required, branding relating the content of the mural, advertising products or services being offered by the business which occupies the premises, namely a bar and live music venue. The applicant states that on some occasions the mural advertisement will be restricted to one section, however that there will be occasions where the top section will also be included in the advertisement below. In addition, it is considered that any mural above is likely to be read as one mural advertisement.

- Extent of application wall (Image 1)
- Proposed extent of artwork and advertising (Image 2)
- Example of type of advertising (Image 3)





### Image 1



### Image 2



### Image 3

## 2. Assessment

- 2.1 The Town and Country Planning (Control of Advertisements) Regulations 2007 permits the Council to consider amenity and public safety matters in determining advertisement consent applications.
- 2.2 Therefore, the principal considerations material to the determination of this application are:
  - Visual amenity – the design and impact of the proposal on the character and appearance of the wider locality and streetscene, nearby Regent's Canal Conservation Area and the setting of any nearby listed buildings;

and on neighbouring amenity (in so far as the Town and Country Planning (Control of Advertisements) Regulations 2007 allow consideration in this regard); and

- Transport and public safety – the impact of the proposal on highway, pedestrian and cyclist's safety

### **3. Visual Amenity**

3.1 Local Plan policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development respects local context and character.

3.2 Policy D4 Advertisements of the Camden Local Plan 2017 requires advertisements to respect the form, fabric, design and scale of their setting and host building and be of the highest standard of design, material and detail. The policy outlines the Council will support advertisements that preserve the character and amenity of the area. Advertisements will be resisted where they: contribute to an unsightly proliferation of signage in the area; contribute to street clutter in the public realm; cause light pollution to nearby residential properties or wildlife habitats; have flashing illuminated elements; or impact upon public safety.

3.3 Regarding listed buildings/structures and conservation areas in particular, Camden Local Plan Policy D2 (Heritage) confirms that the Council has a proactive approach to conserving designated heritage assets. Policy D2 recognises that due to the largely dense urban nature of Camden, the character or appearance of its conservation areas can also be affected by development which is outside of conservation areas, but visible from within them.

3.4 In addition, Policy D2 also states that while the setting of a listed building may be limited to its immediate surroundings, it can often extend some distance from it, and as such, the value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings. As such, Policy D2 confirms on Page 212 of the Local Plan that the Council will 'resist development that would cause harm to the significance of a listed building through an effect on its setting'.

3.5 CPG (Advertisements) 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 the surrounding area and should alter the external fabric of the host building as little as possible.

3.6 It also states that generally advertisements will only be acceptable at fascia level or below. Advertisements above fascia level can appear visually obtrusive and unattractive and, where illuminated, they can cause light pollution to neighbouring residential properties. If an advertisement is required at high level for a specific business use then this will usually be restricted to non-illuminated images on windows.

3.7 The application states that no more than 10% of the surface area of any mural advertisement to be displayed upon the building may be given over to logos or copy associated with a mural sponsor. However there are occasions when the mural section to the top will also be included. It is proposed that the displays to be painted onto the wall would be temporary, being updated periodically, with the design and proportion of mural and advert have not been provided and it is considered likely that the whole area shown on Image 1 could be seen as an advertisement.

3.8 The building site is prominent as both elevations are clearly visible within the street scene and the junction to which it is located enables clear visual exposure to the side of the building. The Planning Inspector in the appeal at 226 Camden High Street stated there was no way of securing the content of the advertisement to be related to the products sold at the building and “for these reasons, the scale of the mural would appear out of keeping and would not positively contribute to the unique character and amenity of the local area”

3.9 The character of this part of Camden Town differs from that of Camden High Street and the southern parts of Chalk Farm Road. The immediate context of the application is absent of the painted murals and eclectic advertisement. Further south the character of Camden Town is derived from the eclectic mix of shopfronts and painted murals which are a common feature on the upper floors of the buildings along Camden High Street and Chalk Farm Road. These murals largely consist of paintings that relate to the retail use at lower floors.



3.10 Such paintings within the specific section of the highstreet contribute to the distinctive character of Camden Town and do not contain logos, recognisable lettering or other branding. However, they are paintings incidental to the ground floor use and as a result are perceived as part of the vibrant character of the area.

3.11 In respect of the current proposals of the scale and location proposed would appear as an incongruous addition which harms the character and appearance of the streetscene, the setting of the adjacent conservation area, and Grade II\* listed building which are located directly opposite. The applicant purports that the advertisements would relate to the use of the premises, however, the detailed design of the advert has not been provided. The Council cannot consider the content of the advertisement just its impact in

terms of visual amenity and public safety. Nor is there any way to control this as outlined above.

3.12 Instead of being seen as part of Camden Town's strong character of street art and vibrant shops and town centre uses, the advertisements would appear as commercial and overly dominant to both the host property and wider streetscape. This would result in an overly commercial and corporate feature that would be completely unsympathetic to the character and identity of Chalk Farm Road and the wider Camden Town area. Furthermore, the application site is a prominent location and the advertisements would be highly visible in longer views down Chalk Farm Road and Ferdinand Street.

3.13 Granting consent for formal advertising on the property of the scale proposed would set an unwanted precedent that would result in a proliferation of prominent commercial and corporate advertising that would erode the unique and special character of Camden Town, thus significantly harming the visual amenity of the locality contrary to policy D1 and D4.

#### Residential Amenity:

3.14 Policy A1 (managing the impact of development) and Camden Planning guidance (Amenity) seek to protect the amenity of Camden's residents by only granting consent for proposals that would not harm the amenity of communities, occupiers and neighbouring residents in terms of noise and vibration levels. This is supported by Camden Planning Guidance (Amenity) that requires the potential impact on the amenity of neighbouring properties to be fully considered.

3.15 The proposed advertising would be non-illuminated and would have no projection from the elevation. Therefore, they are not considered to harm the amenity of nearby occupiers.

## **4. Transport and Public Safety**

4.1 Policy D4 states that 'Advertisements will not be considered acceptable where they impact upon public safety, including when they: obstruct or impair sight lines to road users at junctions and corners; reduce the effectiveness of a traffic sign or signal; result in glare and dazzle or distract road users; distract road users because of their unusual nature; disrupt the free flow of pedestrian movement; or endanger pedestrians forcing them to step on to the road.'

4.2 Policy A1 (Managing the impact of development) requires development proposals to avoid disruption to the highway network, its function, causing harm to highway safety, hindering pedestrian movement and unnecessary clutter as well as addressing the needs of vulnerable users.

4.3 The proposed hand painted advertisements would be non-illuminated with no projection, and therefore, due to their nature would not be distracting to road and pavement users.



4.4 The proposal therefore is not considered to be harmful to either pedestrian or vehicular traffic and does not raise any public safety concerns.

## **5. Planning balance and public benefit**

5.1 Policy A1 (Managing the impact of development) states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.

5.2 Local Plan Policies D1 and D2, consistent with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, state that 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. Given the assessment as outlined above, it is considered that the proposals would result in less than substantial harm to the significance of designated heritage assets within the settings of the Grade II\* listed (Stables Market) and the adjacent Regent's Canal Conservation Area.

5.3 Paragraph 208 of the NPPF states in this regard 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'.

5.4 The proposal is for a mural and advertisement which would not result in any public benefit which outweighs the harm to the significance of the heritage assets. While due consideration has been given to any potential public benefit arising from the proposals, the proposed development would not accord with Chapter 16 (Conserving and enhancing the historic environment) of the NPPF which seeks to preserve and enhance heritage assets, and would also be contrary in this regard to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan, and as such, unacceptable in design terms.

## **6. Recommendations**

6.1 The proposed hand painted mural advertisement, by reason of its size, scale, and prominence in the streetscene, would constitute an inappropriate and visually dominant addition, detrimental to the character and visual amenity of the host building and wider streetscene. It would also harm the setting of the adjacent Regent's Canal Conservation Area and Grade II\* listed Stables Market, contrary to policies D1 (Design), D2 (Heritage) and D4 Advertisements) of the Camden Local Plan 2017.

6.2 It is recommended that advertisement consent is refused for the above reason.

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## Appeal Decision

Site visit made on 8 February 2023

**by Alison Scott (BA Hons) Dip TP MRTPI**

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

**Decision date: 3<sup>rd</sup> March 2023**

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**Appeal Ref: APP/X5210/H/22/3305667**  
**226 Camden High Street, London NW1 8QS**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
  - The appeal is made by London Lites Ltd against London Borough of Camden.
  - The application Ref 2022/0963/A is dated 10 March 2022.
  - The advertisement proposed is One Advertising Mural hand painted on Brick Flank Wall. Measurements are 5.7m high by 8.4m wide. Colours Vary. Non Illuminated.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I am aware that the Council recommended refusal to the proposal with the decision notice dated 15 August 2022. However, they confirm this was not formally issued to the appellant until 5 September 2022. On the 23 August 2022 the appellant sought to appeal against non-determination of the proposal. I have therefore determined the appeal as a failure case. As part of my assessment, I have taken into account the Council's delegated decision and the reason they sought to refuse the advert, and have proceeded on this basis.

### Main Issue

3. The main issue in the appeal is the effect of the development on the amenity of the appeal property and the local area.

### Reasons

4. The appeal site relates to the first and second floor side elevation of No 226 Camden High Street which is situated at the junction with Hawley Crescent within the busy and colourful shopping area of Camden. The area is characterised by mainly independent commercial uses along Camden High Street. Camden has its own specific aesthetic with shops featuring a wide range of front fascia and projecting fascia signage, with many examples of unique and artistic approaches to advertising such as colourful painted murals and large 3D displays which gives the area a vibrant characteristic.
5. The appeal site is prominent as the side elevation is clearly visible within the street scene and the junction to which it is located allows clear visual exposure of the side of the building.

6. I noted from my site visit on the ground that the majority of the adverts along the high street relate to the commercial use taking place within the building they were located on, and therefore this link forms an important part of the local area's identity.
7. Whilst the appellant has stated that it is intended that the mural would be used to display advertisements products sold on the premises and in nearby Camden Market, which would help to personalise the display to the locality and connect it to the area, I see no way of ensuring that this would indeed be the case as relating adverts to the premises they are associated with is a fundamental feature of the local area. For these reasons, the scale of the mural would appear out of keeping and would not positively contribute to the unique character and amenity of the local area.
8. There has been historic signage previously erected at the site and therefore the principle of advertising on the site is accepted. However, I have no evidence before me to agree with the appellant that this proposal is similar in context. Also, even though the appellant draws my attention to the mural advertisement at the flank side opposite at 267 Camden High Street, I have no evidence before me to conclude whether or not this is an authorised advertisement. I therefore apportion only limited weight to it.
9. To conclude, the prominent display of advertisement that would not relate to the premises to which it would be associated would not reflect the key characteristics of the local area. Whilst not determinative in reaching this conclusion, I have taken into account the aims of Policy A1 of the Camden Local Plan 2017 which seeks, amongst other things to protect amenity, Policy D1 which requires development to respect local context and character, and Policy D4 which requires advertisements to preserve or enhance the character of their setting and host building.

### **Other Matters**

10. Issues pertaining to the Council's service should be directed to them in the first instance and is not within my scope to comment upon.

### **Conclusion**

11. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed, and advertisement consent is refused.

*Alison Scott*

INSPECTOR

