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## Appeal Decision

Site visit made on 6 March 2025

**by A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 7<sup>th</sup> April 2025**

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**Appeal Ref: APP/X5210/Z/24/3354706**

**48 Chalk Farm Road, Camden, London NW1 8AJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by Global Street Art against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2024/2888/A.
  - The advertisement proposed is the display of hand-painted murals, including advertising relating to the products and services on offer at the premises.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety. In this case, neither the Council nor any other party has raised any objection to the proposed advertisement in relation to public safety. From the evidence before me, and my observations on my site visit, I see no reason to form a different view.

### Main Issue

3. The main issue is therefore the effect of the proposed advertisement on the amenity of the area.

### Reasons

4. The Planning Practice Guidance (PPG) sets out that in practice ‘amenity’ is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
5. The appeal property is a two-storey building located on the corner junction of Chalk Farm Road and Ferdinand Street. It is currently used as a bar and restaurant. Chalk Farm Road is a busy commercial area with a range of uses including shops, bars, restaurants and cafes. Most premises have advertisements in the form of fascia signs.

6. The proposed advertisement relates to the two-storey flank wall which faces onto Ferdinand Street which is set back from the more commercialised and active Chalk Farm Road frontage. The advertisement would cover an expansive area over two storeys. Due to its overall size and scale, the advertisement would represent an excessive and highly prominent commercial installation at a location where the atmosphere, characteristics and appearance of the area gradually moves away from the more commercialised nature and appearance of Chalk Farm Road. It would dominate this part of the host property and be out of character with the surrounding area.
7. I acknowledge that several buildings in the wider area have been painted, and some of these examples would constitute advertisements under the definition outlined in the Regulations<sup>1</sup>. Most of these relate to the upper floors of properties on Camden High Street in the area to the south of Camden Lock. Where they exist, they are mainly located above the ground floor and form part of the frontage of the vibrant street-scene. Such features are not particularly characteristic of Chalk Farm Road, and even less so on Ferdinand Road which is notably less commercialised in character and appearance. Furthermore, I am not provided with the planning background to any of the other examples in order to give them significant weight in the appeal.
8. The appellant outlines how the content of the advertisement would be limited to products and services on offer at the appeal site. Be that as it may, it would not overcome the harm to amenity I have identified. I am also mindful that the content of the advertisement is not strictly subject to control in terms of the impact on amenity. Furthermore, the use of the premises may change over time, as may the products and services on offer at the appeal site.
9. I have considered the appeal decision at 226 Camden High Street which has been referred to by both main parties. I have outlined how the appeal site and its immediate surroundings are quite different in their character and appearance to that of Camden High Street. In dismissing that appeal, the Inspector considered that the scale of the mural would be out of keeping and would not contribute to the character and amenity of the local area. The Inspector also acknowledged that the mural was intended to display advertisements for products sold on the premises and at the nearby Camden Market. This did not change the outcome of the appeal.
10. I therefore conclude that the proposed advertisement would harm the amenity of the area. I have considered the proposed advertisement against the policies of the development plan as referred to by the Council insofar as they are material considerations. The proposed advertisement would be contrary to Policies D1 and D4 of the Camden Local Plan (2017) which require, amongst other things, that developments respect local context and character and that advertisements respect their setting and host building.

### **Other Matters**

11. The appellant has outlined how the painting of the exterior of any building may be undertaken without the need for planning permission or advertisement consent. Such permitted development specifically excludes where such painting is for the purpose of advertisement. Given that this is the nature of the appeal proposal

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<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

before me, it does not represent a directly comparable fallback, and I give this limited weight in the appeal.

12. The appellant outlines how the Council did not properly consider the nature of the advertisement and referred to the site as wrongly being a retail use. Neither of these factors, however, overcome the harm I have identified above, nor would they be a reason to allow the appeal. Similarly, the lack of dialogue, whilst no doubt frustrating to the appellant, is not a reason to allow the appeal.
13. The appellant proposes in their statement of case that only a small area of the wall would be used as a 'logo zone'. Although this is not within the plans before me, which relate to the whole side elevation, an advertisement can be more than simply where a logo is sited. For example, a large painting of an alcoholic beverage on the entire side of the building, with the commercial logo of said beverage being confined to the identified 'logo zone' does not somehow separate the features to 'artwork' and 'advert'. They are one in the same.
14. I acknowledge that the appellant has proposed to use pollution absorbent paints. Whilst this is commendable, it is not a relevant consideration in advertisement consent applications.

### **Conclusion**

15. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR