



Appeal Decision

Hearing held on 1 May 2012

Site visit made on 1 May 2012

by J M Trask BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2012

Appeal Ref: APP/X5210/H/11/2164839
341-359 Finchley Road, London NW3 6ET

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Outdoor Plus and the Jewish Community Centre Venture against the decision of the Council of the London Borough of Camden.
 - The application Ref 2011/4804/A, dated 19 September 2011, was refused by notice dated 9 November 2011.
 - The advertisement is described as two freestanding advertisement hoardings (standard 96 sheet size).
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Decision

1. The appeal is allowed and consent is granted for the display of the advertisements as applied for. The consent is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The signs permitted by this consent shall not be displayed on the site after 31 August 2012.
 - 2) The signs permitted by this consent shall not be illuminated between 2300 and 0600.
 - 3) The intensity of the illumination of the display permitted by this consent shall be no greater than 600 cd/m² and shall not be intermittent.
 - 4) There shall be no obstruction of the footway or carriageway during maintenance or posting of advertisements.

Preliminary Matters

2. Two Council decision notices have been submitted and the Council confirmed at the hearing that the one dated 9 November 2011 was correct. The advertisements have been installed and I shall therefore determine this appeal on the basis that it is a retrospective application.

Main Issues

3. The main issues in this appeal are the effect of the advertisements on the character and appearance of the area and on highway safety.

Reasons

4. The advertisements are near the junction of a busy main road where there are multi storey commercial and residential properties. The advertisements are supported by a steelwork frame located within a construction site where a nine storey block of flats and a three storey community centre are being built. This site has disrupted the normal character and appearance of the area. Although

the advertisements are large and just over one metre higher than would be acceptable under deemed consent, they are seen against the backdrop of the large buildings currently under construction. The appellant has confirmed the advertisements need to be removed before the completion of the buildings and until that time they are not unduly discordant in terms of the already disrupted character and appearance of the area.

5. I turn now to highway safety. The advertisements are on the corner of Finchley Road and Lymington Road and Arkwright Road is opposite. This staggered crossroads is controlled by signals, there is a controlled pedestrian crossing opposite the site and Finchley Road is also part of the London Cycle Network. While they do not represent the situation since the advertisements have been in place, there have been few accidents in the area in the past few years and Transport for London, who are the highway authority, have not objected to the advertisements. The advertisements are particularly apparent for road users leaving Arkwright Road, those progressing along Finchley Road in either direction and the users of the pedestrian crossing. However, the advertisements are static and not likely to distract road users because of any unusual or confusing nature or create a hazard to, or endanger, drivers, pedestrians or cyclists in the vicinity who are taking reasonable care for their own and others' safety.
6. The Council have referred to Camden Development Policies DP21 and DP24, Core Strategy Policies CS5 and CS14, Camden Planning Guidance 1: Design and the Council's Hoarding Removal Initiative. In reaching my conclusion I have had regard to these, although they cannot, by themselves, be decisive in this case as the Regulations require that decisions are made only in the interests of amenity and public safety.
7. Planning Policy Guidance 19: *Outdoor Advertisement Control* has recently been replaced by the National Planning Policy Framework which I have taken into consideration. However, because the Regulations seek to control advertisements only in the interests of amenity and public safety, which is repeated in the Framework, I consider that the Framework does not alter my conclusions.
8. My decision is subject to the standard conditions in the Regulations, these include the requirement to maintain the advertisements in a safe condition so a separate condition is not necessary. The advertisements are only acceptable during the construction of the buildings so a condition is required to ensure their removal and the appellant has confirmed the appropriate date to meet the construction programme. In the interests of amenity and public safety the level of illumination should be limited, there should be no illumination at night and it should not be intermittent. There was some discussion at the hearing about other legislation protecting the free use of the highway but for the avoidance of doubt I shall also impose a condition prohibiting any blocking of the highway during maintenance and posting works. The display is not designed to accommodate moving signs so there is no need to require the display to be static.
9. For the reasons given above I conclude that subject to conditions the display of the advertisements is not unduly detrimental to the interests of amenity or public safety and the appeal should be allowed.

J M Trask INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Koscienc BA McD Agent

FOR THE LOCAL PLANNING AUTHORITY:

Nicola Tulley MA BSc Planning Officer, Council of the London Borough
of Camden

Hannah Parker Mplan Senior Planning Officer, Council of the London
Borough of Camden

Steve Cardno BSc Principal Transport Planner, Council of the
London Borough of Camden