



# Appeal Decision

Site visit made on 31 March 2010

by **R Ogier BA MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:  
13 April 2010**

**Appeal Ref: APP/X5210/H/09/2117037**

**Wagonmark Ltd, 164 Finchley Road, London NW3 5HE**

- 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 Wagonmark Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/1417/A dated 7 May 2009, was refused by notice dated 24 September 2009.
- The advertisement proposed is the installation of 1 no. non-illuminated hoarding sign at first floor level and the introduction of 1 no. ornamental stone plaque to third floor level.

## Decision

1. I dismiss the appeal.

## Main issue

2. I have identified the main issue to be the effect of the proposed first floor hoarding on the building to which it would relate and to the street scene in Finchley Road and Frognal.

## Reasons

3. The appeal premises are located at the junction of Finchley Road and Frognal in Hampstead. The proposed hoarding would be displayed on a first floor brick panel above the ground floor fascia of the building, and because of its proximity to the junction, would be clearly visible from both roads. That part of Finchley Road around the appeal site is a busy arterial route which is also a shopping and commercial street. There are many fascia, projecting and other signs at ground floor level, mainly to support businesses which line the street.
4. There are very few signs or other advertisements at first floor level or above. The appeal building is largely free of advertisement material, although the ground floor use is commercial. The windows in upper elevations of the four storey building are set in brick walls which on the Frognal frontage incorporate relatively large brick panels at first second and third floor levels, the only permanent sign present at the time of my visit being the Frognal street name sign at first floor level. The panels give the building a clean, uncluttered appearance, particularly on the Frognal frontage.
5. I consider that the proposed hoarding at first floor level at a height estimated by the Council to be 5 metres above pavement level would appear as a visually intrusive feature such as to detract from the appearance of the subject building and the street scene in Frognal and, to a slightly lesser extent, in Finchley Road

when viewed across the road junction. This would be harmful to visual amenity in the immediate area.

6. The relevant saved policies in the Replacement Camden Unitary Development Plan (RUDP) are material considerations. Policy B1 lays down general design principles for new development, but does not refer to advertisements. Policy B4(B) does not favour advertisements that would cause harm to visual amenity. The appeal site lies just outside the Redington/Frogna Conservation Area (CA), and Policy B7 states that planning permission will not be granted for development outside a conservation area that would cause harm to the conservation area's character, appearance or setting, and I accept that the spirit of the policy could be applied to advertisement control.
7. In addition to my conclusion about the harmful effect the proposed hoarding would have on visual amenity in relation to its immediate surroundings I am satisfied that because it would be visible from the mature, predominantly residential environment of the adjoining CA, it would harmfully affect the setting of the CA. The subject application also makes reference to a proposed ornamental stone plaque at third floor level on the Frogna frontage of the appeal premises, which the appellant company submits would help to balance the appearance of the hoarding. Whilst such a plaque might be acceptable in its own right (and the appellant states that the Council has granted a separate planning permission for it), it does not in my view achieve the purpose of justifying or mitigating the impact of the proposed hoarding.
8. I therefore conclude that the proposed first floor hoarding would detract from the appearance of the subject building and thus intrusively harm the street scene in Frogna and in Finchley Road, and reduce the quality of the view down Frogna from the CA. It would not satisfy the objectives of RUDP Policies B4(B) and B7.
9. I accept that the appeal proposal is a resubmission following the earlier refusal of an application for a larger hoarding. However, I have considered this appeal on its own merits and on the basis of my conclusion on the main issue and taking into account all other matters raised in the written representations, the appeal does not succeed.

*Richard Ogier*

Inspector