



Appeal Decision

Hearing held on 16 May 2006

by P Hellowell

Advertisement Appeals Inspector appointed by the First
Secretary of State

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Date

13 JUN 2006

Appeal Ref: APP/X5210/H/05/1196564

220 Kilburn High Road, London

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
- The appeal is made by Salisbury Posters against discontinuance action by Camden London Borough.
- The Council reference is EN04/1151.
- The Discontinuance Notice was served on 18 October 2005.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The principle issue in this case is the effect of the continued use of the site for the display of advertisements with deemed consent on the amenity of the area.

Planning Policy

2. The Council have drawn attention to their policies and I have taken these into account as a material factor in my consideration of the appeal. However, as the Regulations require that the local planning authority, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity, and where applicable, public safety, taking into account any material factors, I do not consider that the Council's policies should, by themselves, be decisive in the determination of the appeal.

Reasons

3. The appeal premises are a four storey building located on the east side of Kilburn High Road which is a predominantly commercial thoroughfare at ground level with ancillary and residential uses above. They are just to the north of its junction with Gascony Avenue which is a generally residential road. The ground floor contains a shop unit but the upper floors still retain a domestic appearance with stone detailing round the window openings. At the time of my site visit two 48 sheet poster panels were being displayed one above the other on the exposed southern elevation extending from the bottom of the first floor to about midway up the third floor. The panels each measure some 3m x 6m. They also overhang the rear edge of the wall and in my opinion they appear as overlarge and random additions to the property, particularly when seen in relation to the domestic looking character of the upper floors. The panels also occupy a prominent corner location which makes them widely visible. They are also seen above rather than as part of the ground floor level of commercial activity along Kilburn High Road and I consider, especially because of their size and inappropriate siting, that they stand out as very intrusive features in this street scene. In

view of the adverse effect of the panels on both the host building and the locality, therefore, I am of the opinion that the Council should retain initial control over any advertisements proposed for this site.

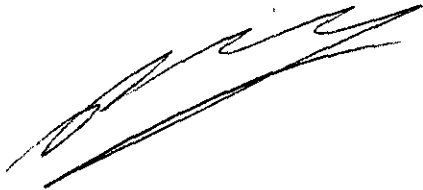
4. I have noted the Appellants offer to reduce the size of the display and confine it to the lower part of the upper floors. However, in my view this would not overcome all the above amenity objections to the display of such advertising material on this part of the property.

Conclusions

5. For the reasons given above, therefore, and having taken account of all the material factors, I conclude that the continued use of the site for the display of advertisements with deemed consent would be substantially detrimental to the interests of amenity.

Formal Decision

6. I dismiss the appeal and direct that the Discontinuance Notice shall come back into effect immediately.



Advertisement Appeals Inspector

Appearances

For the Appellant:-

Mr C Thomas – Agent

For the Council:-

Mr G Bakall – Planning Department

Documents submitted at the Hearing

Proof of evidence read by Mr Thomas