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and 94/1265

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

27 January 1995

To the Right Honourable John Gummer MP  
Secretary of State for the Environment

Sir

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992  
APPEALS BY ALLIED OUTDOOR ADVERTISING LTD IN RESPECT OF TWO  
OUTDOOR ADVERTISING SCHEMES AT 146/148 CHARING CROSS ROAD,  
LONDON WC2

1. I have the honour to report that on 11 January 1995, I heard representations at the Town Hall, Camden regarding two appeals by Allied Outdoor Advertising Limited, made under Regulation 15, against the refusal of the London Borough of Camden Council to grant express consent for the display of Scheme (i) two internally illuminated "poster" display "lightbox" units, and Scheme (ii) two externally illuminated ultravision display units; in each case with associated ground floor level information panels and anti-graffiti fencing, at 146/148 Charing Cross Road, London WC2.

#### THE APPLICATIONS

2. Allied Outdoor Advertising Limited submitted applications for two outdoor advertising schemes on the exposed flank wall of the site at 146/148 Charing Cross Road, WC2 as follows:-

Scheme 1 (Application dated 6 August 1993) - two internally illuminated poster display units each measuring 6.4m square (0.6m deep), mounted centrally side by side on the exposed flank wall 4.5m above ground level with four information panels on chevron-style anti-graffiti fencing at ground floor level; and

Scheme 2 (Application dated 28 June 1994) - two prismatic display "ultravision" units each of 48-sheet size (about 6m by 3m), mounted centrally side by side on the exposed flank wall 4.5m above ground level, each with overhead external fluorescent illumination, incorporating a ground floor level scheme of information panels and fencing similar to that in Scheme 1.

In each case a five year period of consent was sought.

## THE REFUSALS

3. The London Borough of Camden Council refused consent for Scheme 1 on 10 June 1994 and for Scheme 2 on 22 July 1994, giving their reasons in each case as follows:-

"It is considered that the proposed high level advertisement hoardings would be visually detrimental to the area in which they would be located by reason of their size, elevation and illumination."

## THE APPEALS

4. The Appellants' grounds of appeal are the same in each case; as set out in the official appeal forms submitted to the Department on 8 August 1994 (Scheme 1) and 22 August 1994 (Scheme 2).

## THE SITE AND ITS SURROUNDINGS

5. The appeal site occupies first and ground floor level sections of an unprepossessing, north facing, plain rendered and buttressed flank wall which was exposed by demolition apparently in the 1960s. It is prominently located within the extended (1991) Bloomsbury : Denmark Street Conservation Area, at the junction off Charing Cross Road and Andrew Borde Street, just to the south of St Giles Circus. The latter is dominated by the "Centrepont" development, a multi-storey office block.

6. Buildings in the conservation date from the late 17th century and one of the main focal points to the south of the site is the spire of St Giles-in-the-Fields church, a statutorily listed building. The predominant scale of buildings in this busy, mainly commercial area is four to five storeys with mainly domestic proportions above ground floor level, although some of the later buildings in Charing Cross Road are up to seven storeys high. The building adjoining the appeal site at 148 Charing Cross Road dates from 1888. It contains a shop unit at the ground floor level and a two-storey arched window opening to its upper floors, below a distinctive pyramidal roof.

7. At the time of my inspection of the site, two 48-sheet size, "ultravision" poster display units were mounted side by side broadly at the first floor level on the exposed flank wall. Each unit was mounted on black-finished wooden panelling about 6.4m square overall, apparently representing the area of the wall previously occupied by an unauthorised display comprising four 48-sheet panels. The displays in position were noted to be at the central focal point of the view southwards towards St Giles Circus from Tottenham Court Road. The exposed wall at ground floor level was spoiled by extensive fly-posting. Three conventional, static externally-illuminated 48-sheet panels were displayed at ground floor level immediately to the east in Andrew Borde Street. The

commercial aspect of the area, encompassing signage in a variety of styles and designs on nearby shops and other commercial properties, was generally at the ground floor level. Exceptions included the nearby Dominion and Astoria theatres, Foyles bookshop, and other ultravision units in Tottenham Court Road to the north.

#### THE CASE FOR THE APPELLANTS

The main points were:-

8. In 1992, they had become responsible for the sales and marketing of four 48-sheet poster panels then being displayed on the appeal site wall. It was later established that neither these displays, nor two 48-sheet panels which had been in position longer, benefited from "deemed consent" under the Regulations, although apparently no complaint had been made about them. Subsequently, the appellants had originally proposed a scheme with two internally illuminated advertising "lightboxes", each about 6.4m square (retaining the overall dimensions of the established displays), incorporating a mural feature at the ground floor level to shield the habitually fly-posted wall. Early indications from the Council were that such a scheme would not be contentious; and drawings had been prepared based on the appellants' considerable experience with other advertising schemes for prominent development sites in central London.

9. It had been agreed in principle that a scheme would be devised in partnership with the Council's own Arts Services Department. However, the Council's apparent aim to secure comprehensive wall treatment suggested a capital budget of up to £60,000, which was unrealistic given the potential income from the advertising section of the scheme. It was then that the original proposal for the lightboxes was put to the Planning Committee with an officer recommendation for approval but apparently with an objection from the local Conservation Society regarding the level of illumination (although the ground floor level treatment was supported).

10. The revised scheme in the second proposal under appeal amended the format from "lightboxes" to externally illuminated 48-sheet ultravision panels and reduced the advertisement display area by 50%; thus effectively reinstating the level of advertising (two 48-sheet panels) which had been tolerated on the site for about 15 years overall.

11. The future of the adjacent building and possibly a larger area to the south was still probably in question because of proposals related to the "Crossrail" improvement schemes; and on that basis, the appellants would accept a temporary period of consent for either of the two schemes under appeal.

12. The implementation of either of the appeal schemes would improve the unsightly, exposed elevation of the building with its habitually fly-posted ground floor aspect; and the appeal site had no special significance in planning terms just because it was associated with a notable period of speculative development in the recent past.

13. The Council had exaggerated the importance of the severely restricted views of St Giles-in-the-Fields church to the south; in which the appeal site wall and Centrepoint did not effectively "frame" even the church spire as a feature of the townscape. The "listed" church was an acknowledged focal point of the conservation area, but the limited views of it from St Giles Circus took in a variety of commercial elements; and no special mention had been made of the 48-sheet panels already in position on the wall when the conservation area was originally designated, or extended.

14. The considerable mass of the Centrepoint development dominated the busy road junction and neither of the appeal displays seen in this immediate commercial context, against the substantial building at 148 Charing Cross Road in the immediate background, would appear incongruous or obtrusive. The second scheme for two 48-sheet size ultravision units was probably the better of the two proposals in design terms and its implementation would avoid any impression of over intensive advertising on the site as a whole.

15. Illuminated signage was in any event a well established feature of the street scene in this busy commercial area; and the general public would not discriminate between the theatre signs and these general outdoor advertising units in this setting.

16. The appeal proposals did not materially conflict even with the Council's generally restrictive policies and advice for control over the display of advertisements.

#### THE CASE FOR THE LOCAL PLANNING AUTHORITY

The main points were:-

17. The appeal site was prominently located within an extended conservation area and close to the Centrepoint development, one of central London's landmarks associated with speculative development and the office boom of the 1950s and 1960s. Historians at the National Heritage Department were considering proposing Centrepoint for statutory "listing". It was a very large building which inevitably imposed itself on the street scene, but this did not mean that, in terms of outdoor advertising in the vicinity, "anything goes".

18. The setting was generally commercial with an obvious ground floor level of commercial activity. The nearby theatres were exceptional in this regard; but they contributed positively to the character of the conservation area and were denoted by advertising well integrated with the buildings and the street scene, in contrast to the random, obtrusive displays under appeal. The few examples of other large scale advertising in the area were either unauthorised or enjoyed deemed consent and were not representative of the generally well-ordered commercial profile of the conservation area.

19. It was accepted that poster panels were being displayed on the exposed flank wall at the time of the conservation area designation. Present day practice included a comprehensive review of such areas at the time of designation, with the aim inter alia of identifying unacceptable development. Since no such review had been undertaken in this case, the Council's lack of action against the unauthorised panels did not signal their tacit acceptance of such large scale advertising on the wall.

20. It had been the Council's long-standing aim to tidy up the block, perhaps incorporating a mural with a "book" theme reflecting the commercial character of the area; and in the days of more generous budgets, they would have probably already achieved this. However, they did not see an immediate, overriding need to screen the flank wall which was unprepossessing rather than an eyesore. The appeal site was not part of an active or even approved development scheme, and while the appellants may have gained some recognition for innovative advertisement schemes to screen such sites during actual works phases, in the present cases, the proposals were unimaginative, incorporating apparently random advertisement displays in a standard format which would exacerbate the comparatively poor appearance of the wall in its setting, whilst obtruding into the townscape.

21. The negotiations with the appellants had been a means of opening up discussions on the possible treatment of the wall, not an acceptance of an overriding need to alter its overall appearance; although a viable means of addressing the problem of fly-posting at the ground floor level was a more pressing issue. This had been reflected in the recommendation by officers for approval of Scheme 1 "on balance". It was the only way fairly to "let it run", when the Council's policies for control over the display of advertisements militated against such large scale advertising; and the Planning Committee had already made it clear in principle that such large scale advertising was unacceptable in the conservation area. The Committee's rejection of the two appeal proposals was therefore not surprising, but of course had to be justified by their reasons for refusal in each case.

22. The adjoining building at No 148 Charing Cross Road, although not statutorily listed, presented a distinctive facade. The appeal proposals would relate poorly to this. The large advertising units in each case would also spoil the "key view" of the imposing spire of the statutorily "listed" St Giles-in-the-Fields church at the core of the conservation area to the south, particularly when "framed" between Centrepoint and the appeal site flank wall.

23. The Council referred to the appeal proposals in the context of their generally restrictive policies and advice for control over the display of advertisements, as set out in the Borough Plan, supplementary guidelines and the emerging Unitary Development Plan. They stressed that the area had undergone significant improvement in the last few years, including the refurbishment of Centrepoint itself, and their commitment to the further improvement of this prominent location in this thriving commercial centre.

24. In both cases under appeal, the size and high level display of the main panels would unacceptably intrude into the street scene; and could not be justified merely on the basis of tidying up the ground floor aspect of the wall.

#### FINDINGS OF FACT

25. I find the facts contained in paragraphs 2 and 5 to 7 of this report.

#### CONCLUSIONS

26. I deal first with the proposal in both schemes to display four non-illuminated information signs on chevron-style black fencing at the ground floor level against the wall. These displays are fairly represented in well spaced format in section 1 of Drawing No PL/265/P.A, dated May 1993, with guideline dimensions of 2.45m by 2.43m for the larger panels. The Council have raised no specific objection to this part of the proposals and I accept that, if such a limited scheme were to be proposed in isolation of the other displays as an effective means of shielding the habitually fly-posted wall at the ground floor level, it would positively contribute to local visual amenity in this mainly commercial part of the conservation area. However, in these cases, they are subsidiary elements in comprehensive advertising schemes; and my consideration of these is as set out below.

27. The Council have referred to their adopted and emerging policies and supplementary guidelines for control over the display of advertisements, and I have taken these into account as a material factor in my consideration of these appeals. However, as the Regulations require that the local planning authority, and the Secretary of State on appeal, should

exercise their powers only in the interests of "amenity" and, where applicable, "public safety", taking account of any material factors, I do not consider that the Council's policies and advice should, by themselves, be decisive.

28. The appeal site comprises sections of a north facing end wall, located within the Bloomsbury : Denmark Street Conservation Area, where it is necessary to pay special attention to the desirability of preserving or enhancing its character or appearance. This designation does not necessarily preclude the display of suitably sized and sited general advertising units, particularly on commercial buildings in mainly commercial areas, but it is to be expected that it will result in a strict control being maintained to ensure that outdoor advertisements do not spoil the appearance of the area.

29. In this case, the wall is prominently located close to the London landmark "Centrepont" development, at the focal point in the concentrated long range views along Tottenham Court Road, and enjoys considerable exposure within the fairly open setting of St Giles Circus. The most notable feature of the core conservation area townscape to the south is the spire of St Giles-in-the-Fields, a statutorily listed church. The views along Charing Cross Road to the south take in fairly ornate buildings, with shops units below generally well mannered upper facades, characteristic of the wider area; while the adjoining property at 148 Charing Cross Road has a distinctive pyramidal roof over a two-storey arched window, also within an ornate frame.

30. Although the appeal site wall has been exposed by demolition, it has been neatly plain-rendered within a robust architectural framework of brick piers and buttresses and appears to be generally sound. Its exposed architectural features in my view appear rather stark in relation to the generally well sculptured facades of the adjoining buildings, but I agree with the Council that the wall is not a conspicuous eyesore which would necessarily benefit from immediate screening by large scale advertising displays above ground floor level, although its appearance could be beneficially "softened". I have already noted that the ground floor aspect is spoiled by fly-posting; but in my view, this could and should be tackled by unobtrusive means, taking into account the prominently exposed setting of the wall within the extended conservation area.

31. The main displays, comprising advertising "lightboxes" in Scheme 1, would effectively be mounted side by side, at an overall height of about 10m. I consider that, because of their size, bulk, utilitarian box-like appearance and elevated presentation, these 6.4m square structures would appear wholly out of scale and character with the domestic proportions of the well sculptured facades in Charing Cross Road to the south, and visually overbearing in relation to the more general ground floor level of commercial activity in the

street scene. I note that each of the units would roughly span three of the brick piers; but in my opinion, the lightboxes would nevertheless stand out as random, high level additions to the end wall which, rather than softening its appearance, would tend to draw further attention to its stark, unprepossessing characteristics within this generally well-ordered conservation area setting. In the same way, I consider that the impact of their display would be strident and intrusive at the focal point of the view into St Giles Circus from Tottenham Court Road and would jar even in the eclectic townscape notably featuring the spire of St Giles-in-the-Fields further to the south. Furthermore, the fully illuminated lightboxes would be seen in close association with three conventional 48-sheet panels in the fairly open setting at the entrance to Andrew Borde Street; and I consider that this would produce unduly assertive advertising even in this mainly commercial area.

32. The same general considerations in my opinion, apply to Scheme 2 comprising externally illuminated ultravision units, even though these displays represent a 50% reduction in advertising in relation to Scheme 1. The two units mounted side by side would provide a substantial composite display with rotating images and an overall face area of about 36m<sup>2</sup>. They would be highlighted by illumination, albeit in the form of external rather than internal fluorescent lights; and they would also stand out as random, high level additions to the wall which would dominate the end elevations of the block from positions visually divorced from the more general ground floor level commercial aspect of the street scene.

33. In all these circumstances, I consider that the main components of the displays proposed both in Scheme 1 and Scheme 2 would constitute unduly prominent and intrusive features which would further detract from the visual integrity of the buildings and the surrounding conservation area, far outweighing the advantage from the associated display of modest information panels on fencing to screen the wall at the ground floor level. I conclude, therefore, that the comprehensive display of Scheme 1 or Scheme 2, even for a limited period as suggested at the Hearing, would be incompatible with the conservation status of the area and detrimental to the interests of amenity.

#### RECOMMENDATION

34. Bearing in mind the facts contained in paragraphs 2 and 5 to 7 of this report, I recommend that the appeals be dismissed.

M R ROWE



ATTENDANCE AT THE HEARING

For the Appellants

Mr P Lawless - Allied Outdoor Advertising Limited  
Mr P Dixon - " -  
For the Local Planning Authority

Mr D March - Planning Department, London Borough of  
Camden Council

DOCUMENTS PRODUCED AT THE HEARING

Document 1 - Statement read by Mr P Lawless