
Appeal Decision

Site visit made on 20 May 2014

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 8 July 2014

Appeal Ref: APP/X5210/H/14/2213289

150 Holborn, London EC1N 2NS

- 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 Mr Guy Goodyear against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/7299/A, dated 12 November 2013, was refused by notice dated 4 February 2014.
 - The advertisement proposed is a temporary scaffold shroud advertisement for a period of 2 years – amendment to consent reference 2013/4086/A dated 24 September 2013 to include external illumination.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the illuminated advertisement on the character and appearance of the area, including the setting of the adjacent Conservation Area; and its effect on public safety.

Reasons

Character and Appearance

3. The appeal site lies within a mixed commercial area, comprising a variety of uses. Holborn is a wide road, flanked by deep pavements that are bordered by large, tall and imposing buildings of similar heights. There are a variety of uses within the buildings, including shops, restaurants, services, and offices, and the area is busy with both pedestrian and vehicular traffic. Brooke Street to the east of the appeal property forms the boundary of the Hatton Garden Conservation Area.
4. There are a mix of shops and services to the ground floor of the appeal building, with offices above. The existing shroud provides coverage of the building's elevation facing Holborn, and is in place whilst its refurbishment occurs. It covers most of the width of this elevation of the building, extending from the second floor to the mansard roof, with the advertisement occupying most of the shroud.
5. The wide and mostly straight nature of Holborn allows extensive views of the tall buildings either side of the road, including of the existing shroud. Due to

the size and elevated position of the shroud it forms an unusual and prominent feature within the street scene.

6. The illumination of the advertisement would exaggerate its prominence, making it a visually overwhelming feature in the night-time street scene. I appreciate that the existing advertisement on the shroud already has consent, and I note that the proposed downlighters would be of a discrete size providing illumination in accordance with the Lighting Engineers illumination standards. However, the size and elevated position of the illuminated advertisement would form a dominant and distracting feature within the area, that would unacceptably harm the setting of the adjacent Conservation Area and the character and appearance of the street scene.
7. The appellant has drawn my attention to the busy night-time economy of the area, and that it is already well-lit. However, existing levels of illumination would be mostly at ground floor levels and street lights, and although rooms in the upper floors of the buildings would be illuminated through use, this would not be over such a large area and in such a uniform way. I appreciate the appellant has offered to limit the hours of illumination to the late afternoon and evening. However, this would not mitigate the harm the illumination of the advertisement would have on the character and appearance of the area.
8. The National Planning Policy Framework (the Framework) requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset and its setting, such as a Conservation Area, that this harm should be weighed against the public benefits of the proposal. The provision of illumination to the existing advertisement would result in less than substantial harm due to the comparative size of it relative to that of the Conservation Area. The appellant requires the proposed illumination of the advertisement for two years whilst the refurbishment of the building is taking place, and points out that it would make the advertisement financially viable. However, this is not a public benefit of the scheme, and does not outweigh the harm I have found.
9. Both parties have referred to Policy CS14 of the Camden Core Strategy 2010 – 2025 Local Development Framework (2010) (CS), Policies DP24 and DP25 of the Camden Development Policies 2010 – 2025 Local Development Framework (2010) (DP) and Camden Planning Guidance Design (2013) (PG). However, whilst I have taken them into account as material considerations in the determination of this appeal, the Framework requires that the control of advertisements should be limited to the interests of amenity and public safety, including taking into account cumulative impacts. Consequently although I have considered these Policies and the PG, they have not been decisive.
10. I therefore find the proposed illumination of the existing shroud advertisement would harm the character and appearance of the area, and the setting of the adjacent Conservation Area, which would be contrary to the requirements of the Framework.

Public Safety

11. The building on which the existing shroud is positioned is bounded on three sides by roads. The light controlled Holborn and Gray's Inn Road junction also provides pedestrian crossings and access to the Chancery Lane underground station that lies to the front of the building.

12. The size and elevated position of the advertisement on the shroud forms a prominent feature in the area, the effect of which would be harmfully exaggerated with the proposed illumination. I appreciate that the image would be statically illuminated and that the image is unlikely to be changed. However, its large size and prominent positioning at a busy and complex signal controlled junction would mean that it would be an eye-catching distraction for both those in vehicles and pedestrians. As such I consider the proposed illumination would be harmful to public safety.
13. The Council have referred to DP Policy DP21 in their decision notice. Whilst not decisive, I have had regard to the Policy as a material consideration. I therefore find that the proposed illumination of the advertisement would harm public safety, and be contrary to the requirements of the Framework.

Conclusion

14. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR