
Appeal Decision

Site visit made on 3 June 2014

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 27 June 2014

Appeal Ref: APP/X5210/H/14/2214039

135 Finchley Road, London NW3 6JH

- 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 Quintain Estates Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/8151/A, dated 18 December 2013, was refused by notice dated 14 February 2014.
 - The advertisement proposed is described in the application as "a freestanding digital media advertising display unit with an associated comprehensive hard and soft landscaping scheme."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The associated hard and soft landscaping scheme included as part of the application is the subject of a separate planning permission (ref 2012/1984/P), granted on 29 May 2012.
3. The appellant has referred to Circular 03/07 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (2007), but this has been superseded by the Government's planning practice guidance, published on 6 March 2014. I have had regard to this guidance in making my decision insofar as it relates to amenity and public safety.

Main Issue

4. The main issue in this appeal is the impact of the development on the visual amenity of the surrounding area.

Reasons

5. The appeal site is a piece of land between two commercial buildings fronting Finchley Road, and is located within the Finchley Road/Swiss Cottage town centre. Adjacent to the site to the south is an alleyway leading to Belsize Road, and an entrance to Swiss Cottage underground station. The area west of the appeal site along Belsize Road is predominantly residential in character.
6. The proposed freestanding display unit would be two sided, and oriented broadly south west. It would be about 4.5m in height x 3m wide with an area of 13.5 sqm, and would be erected on a steel pole approximately 2m high.

7. Whilst the site is located within the town centre, and a large proportion of properties along this frontage have advertisements, the display unit is freestanding and does not relate to any existing building. It would thus be a stark and isolated feature within the street scene. I accept that due to the set back of the display unit behind the brick pier and railings, it would not be easily visible from Finchley Road when approaching from the north, but when approaching from the south it would appear out of scale with the proportions of the 2/3 storey Legacy nightclub north of the appeal site. In addition, due to its position about 2m above ground level, and overall height of approximately 6.5m, the display unit would appear as a dominating feature in longer views from Belsize Road, and its size and proximity to the alleyway would also make it appear overbearing to those passing by. The internal illumination of the sign would increase its prominence within the street scene, particularly during the evening. For all the above reasons the development would cause material harm to the character and appearance of the surrounding area.
8. A previous application which included two options for free standing display signs on the same site was dismissed on appeal¹, with the Inspector finding that both signs, due to their height and size, would appear as intrusive and over-dominant features within the street scene. Although the current proposal is for a somewhat smaller structure, the previous Inspector's decision nonetheless adds some weight to my own findings above.
9. I am also aware of the allowed appeal for an advertisement hoarding at first floor level at 115-121 Finchley Road², but the particular circumstances of that appeal, including the position of the appeal building in relation to adjacent properties and the location of the advertisement at first floor level meant that it would relate satisfactorily to the building to which it would be attached. The site circumstances are materially different in this appeal, whereby the proposed display sign is freestanding and located at above ground level adjacent to the footpath, but in any case, I have determined the appeal on its own merits.
10. The appellant has referred to a hard and soft landscaping scheme which has planning consent, and the significant public benefits of these public realm improvements which they contend may not be funded in any other way. The implementation of the landscaping scheme would enhance the visual amenity of the locality, but this could be implemented independently from the appeal proposal. I accept that a condition could be attached to the grant of advertisement consent if the appeal were allowed to ensure that the landscaping scheme is completed prior to the advertisement being put in place. However, there is no evidence to suggest that an alternative landscaping scheme would not come forward in the short to medium term, as the brick retaining walls around the front and side of the site are already in place. Thus I consider that the material harm to visual amenity caused by the proposed display sign would not be outweighed by the landscape enhancement.
11. The appellant also refers to the benefits of a reduction in crime if the appeal were allowed due to the enhancement of the public realm, which were supported by the Council's Crime Prevention Officer. That may be the case, but for the above reasons these benefits do not outweigh the material harm I have identified in relation to amenity.

¹ APP/X5210/H/12/2179935

² APP/X5210/H/12/2170846

12. The Council has referred to Core Strategy Policy CS14, Policy DP 24 of the Council's Local Development Framework Development Policies 2010-2025, the Camden Planning Guidance 2011, and the Council's Hoarding Removal Initiative. However, while I have had regard to these policies and guidance as material considerations where relevant, the powers to control advertisements under the regulations may be exercised only in the interests of visual amenity and public safety. Consequently in my determination of this appeal the Council's policies and guidance have not, themselves, been decisive.

Conclusion

13. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR