



Appeal Decision

Hearing held on 9 January 2013

Site visits made on 8 January 2013

by Roger Pritchard MA PhD MRTPI

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

Decision date: 22 January 2013

Appeal Ref: APP/X5210/H/12/2182354

The Golden Lion Public House, 88 Royal College Street. London, NW1 0TH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
- The appeal is made by Outdoor Plus Ltd against discontinuance action by the Council of the London Borough of Camden.
- The Council reference is EN08/0237. The Discontinuance Notice is dated 4 July 2012.

Summary of Decision: The appeal is dismissed and the Discontinuance Notice confirmed subject to the variation set out in the Formal Decision.

Procedural Matters

1. I held a Hearing into this appeal on 9 January 2013. I had visited the site unaccompanied on two occasions during the previous day. The first, at around 3.30pm, was to see the site and the impact of the current advertisement in daylight hours. The second, at around 7.15pm, was to see the effects after dark.

The Notice

2. The Council originally issued a Notice against the site on 18 August 2011. That Notice was quashed on appeal on 1 May 2012 because it had not been served on the owners of the advertisement on the site. I was content, however, that, in respect of this second Notice, the Council had taken the necessary steps to inform all relevant parties.
3. The Council mentioned in its appeal submission, and I noticed at my site visits, that there is a permanent service platform below the hoarding currently in position. The Council confirmed at the Hearing that it considered that this service platform was immune from enforcement action due to the length of time that it had been *in situ*. As such, I have taken no account of the service platform in coming to my decision.

Main Issue

4. The main issue is whether the continued use of the site for the display of advertisements with deemed consent would be substantially injurious to visual amenity, having regard to the impact of the existing advertisement on the site and its surroundings. The Notice raises no issue of public safety.

Reasons

5. The Notice stems from Camden's Removal of Advertisement Hoardings initiative as adopted in 2004. The initiative is material to the appeal, even though the primary consideration must be the statutory test as to whether the use of the site for advertisements results in substantial injury to the amenity of the area.
6. The site against which the Notice has been served is the upper storeys (2nd and 3rd floor levels) of the southern flank wall of a public house on the south east corner of the junction of Royal College Street and Pratt Street. The current advertisement on site is an illuminated, 48 sheet (6 x 3 metres) poster panel.
7. The Golden Lion is a handsome example of a late Victorian public house. It initially dates from the 1860s but was extensively remodelled just before the turn of the 20th century. Three and a half storeys in height, The Golden Lion's facades are decorated with fine detailing and the building as a whole provides a strong contribution to what is otherwise an unexceptional street scene.
8. Although assessed by English Heritage for national listing, The Golden Lion was not sufficiently outstanding to warrant this accolade. It is, however, currently under consideration for addition to Camden's Local List of Buildings of Architectural and Historic Interest. Although a final decision on this matter has not yet been taken, I acknowledge that The Golden Lion is, in its local context, a significant building.
9. The flank wall against which the Notice is served faces away from the Pratt and Royal College Street frontages of the building. The most impressive views of The Golden Lion are from the north, a direction from which the advertisement cannot be seen. However, when approaching from the south along Royal College Street, the public house's western façade increasingly comes into view in conjunction with the current hoarding. The consequence is that as one nears The Golden Lion the incongruity between its Royal College Street frontage and the hoarding becomes more striking.
10. Moreover, visual conflict with the character of The Golden Lion is exacerbated in the hours of darkness with the illumination of the current hoarding, clashing with the different pattern of lighting that is characteristic of the frontages of the public house.
11. I therefore conclude that the use of the flank wall of The Golden Lion for the display of advertisements is in significant visual conflict with the character of the public house and that the outcome results in substantial material harm to its character and appearance.
12. With respect to its wider impact, Royal College Street, north of the Royal Veterinary College itself, is a typical inner London mixture of residential and commercial uses. The Notice arises from the focus of Camden's initiative on action against advertisements along major thoroughfares. Royal College Street is a busy road with a high level of vehicle movements as well as those of pedestrians and cyclists. However, despite traffic levels, it has relatively low ambient light levels against which the hoarding particularly contrasts.
13. The height of the hoarding adds to its prominence. It not only emphasises the visual conflict with the public house's façade but the hoarding's position at

second and third floor levels, stands above the adjacent two storey buildings, making it particularly prominent when seen from the south.

14. The result is that the hoarding draws the eye from as far away as the junction of Royal College Street and Crowndale Road, perhaps 5 – 600 metres to the south. This is especially true at night when the brightness of its illumination is far greater than anything else in the immediate area. There is an absence elsewhere of any comparable features. The adjacent building, currently a tyre changing facility has a small amount of illuminated signage at ground floor level but the impact is nothing like as great as the hoarding on the appeal site.
15. In this context, I agree with my colleague's assessment in 2004 when considering an appeal against the refusal of express consent for a 'trionic' poster display, that illuminated images on site are intrusive and out of character in this setting. The outcome is thereby substantial injury to the amenity of the area.

Compliance with the Notice

16. Paragraph 3 of the Notice requires the use of the site for the display of advertisements to be discontinued within 28 days of the date on which it takes effect. If the appeal is dismissed, that date would be the date of my decision. The appellant contended that this was too short a time for arrangements to be made to wind up contracts etc. and asked for the period of compliance to be extended to 6 months. The Council considered that no extension was justified.
17. Compliance with the Notice requires adjustments to contracts and other commercial arrangements that must take time to implement, even if the physical removal of the current hoarding could be accomplished within the Council's original time-limit. 28 days is, in my view, too short a period for those actions to be carried out. At the same time, six months seems too extended a time limit to comply with the Notice. In these circumstances, I consider an extension of the time limit for compliance to three months would represent a fair compromise between the appellant's commercial interests and the Council's understandable desire to see the Notice's provisions implemented. I shall therefore amend the Notice in this respect.

Conclusions

18. For reasons given above, including the evidence of the adverse effects of the existing advertising on the site, 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

19. The appeal is dismissed and the Discontinuance Notice is confirmed subject to the following amendment –

In paragraph 3) of the Notice, substitute for the words, '*...within a period of 28 days...*', the words, '*...within a period of three months...*'

Roger Pritchard

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phil Koscienc

Outdoor Plus Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ben Le Mare

Senior Planning Officer, London Borough of
Camden

DOCUMENTS SUBMITTED AT THE HEARING

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| 1 | Papers relating to the proposed addition of The Golden Lion PH to Camden's local list of buildings of historic and architectural significance (Submitted by the Council) |
| 2 | Appeal decision of 25 February 2004 (Submitted by the Council) |
| 3 | Photograph of site taken in July 2004 with no advertisement in place (Submitted by the Council) |