
Appeal Decision

Site visit made on 27 November 2014

by Paul Freer BA (Hons) LL.M MRTPI

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

Decision date: 4 December 2014

Appeal Ref: APP/X5210/H/14/2223914

British Telecom, 138 Maida Vale, London W9 1QD

- 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 KDT Management Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/4108/A, dated 23 June 2014, was refused by notice dated 18 July 2014.
 - The advertisement proposed is one freestanding advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has indicated that, in the event that I am minded to dismiss the appeal on the basis of the originally submitted plans, an advertisement of smaller overall dimensions would be acceptable. In that context, the appellant has provided specific dimensions for a smaller advertisement. I understand that the Council has had an opportunity to comment upon a revised proposal of lesser dimensions, but also consider this to be unacceptable. However, in the absence of a definitive proposal with attendant submitted plans, I consider that it would inappropriate for me to formally consider a revised proposal.

Main Issues

3. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

4. The proposed advertisement would be sited in the forecourt of the British Telecom site, a substantial commercial building facing onto Maida Vale. There are other substantial buildings in the vicinity of the site, notably the Marriott hotel and the residential blocks to the south-east of the appeal site. However, the character of the surrounding area is mixed, with some commercial uses but also a variety of other uses, including residential and community uses. Consequently, although the site is within a major city where there are large buildings and fronts a main highway, this is not the type of area within which the Planning Practice Guidance indicates that a large poster hoarding would be permitted in principle.

5. Notwithstanding some minor discrepancies on the application drawings, it is apparent that the proposed advertisement would stand significantly above the boundary wall at the front of the site and, with an advertisement display area of some 37.5 square metres, would itself be a substantial structure. I understand that the sign is a standard industry size and I accept that it would have space around it. However, the proposed advertisement would be sited in a prominent position where, by reason of its size and height, it would be a dominant and unduly intrusive feature in the street scene.
6. In this context, I note that the street tree in front of the site is incorrectly plotted on the application drawings and that the proposed advertisement would be sited directly behind this tree when viewed from locations in the vicinity of Kilburn Park Road. Nonetheless, when that tree is not in leaf and from other viewpoints, the height and size of the sign would be apparent. It is those views that the appeal proposal would be visually intrusive and would adversely affect the visual amenity of the neighbourhood of the site.
7. The Council is also concerned that the rear of the proposed sign would be visually intrusive when viewed from the Islamic Community Centre to the north of the site. However, the rear of the sign would not feature an illuminated advertisement display area and, given also the separation distance, I am satisfied that the proposed advertisement would not be visually intrusive when viewed from the Islamic Community Centre.
8. The Council has cited Policies CS5 and CS14 of the Camden Local Development Framework Core Strategy and Policy DP24 of the Camden Local Development Framework Development Policies in the reason for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Public Safety

9. The appeal site is located at the junction of Maida Vale with Kilburn Park Road. The latter is a straight road and the junction with Maida Vale is not signal controlled. The proposed advertisement would be visible to approaching drivers from a considerable distance and this would provide adequate opportunity for drivers to assimilate the proposed advertisement as they approach. I am therefore satisfied that the proposed sign would not cause drivers to be distracted as they approach this junction and, on that basis, conclude that the proposed advertisement would not prejudice conditions of public safety.

Conclusion

10. Although I have concluded that the proposed advertisement would not prejudice conditions of public safety, this does not outweigh the unacceptable impact on the amenity of the neighbourhood of the site. Accordingly, I conclude that this appeal should be dismissed.

Paul Freer

INSPECTOR