
Appeal Decision

Site visit made on 30 October 2014

by Paul Freer BA (Hons) LLM MRTPI

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

Decision date: 8 January 2015

Appeal Ref: APP/X5210/H/14/2223406

York Way corner of Freight Lane, London N1

- 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 2014/4102/A, dated 23 June 2014, was refused by notice dated 18 July 2014.
 - The advertisement proposed is one freestanding advertising display with internal illumination.
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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 adjacent to a railway bridge within an area with a predominantly industrial character. The character of the area is also influenced by the additional infrastructure associated with the railway and by the main road of York Way. It is, I accept, an industrial area within a major city where there are large buildings and main highways, and as such is the type of area within which the Planning Practice Guidance indicates that a large poster hoarding would be permitted where it would not adversely affect the visual amenity of the neighbourhood of the site.

5. The appeal proposal would be an internally illuminated freestanding sign with an overall height in excess of 10 metres, including stand, and a width of some 5.3 metres. Although the proposed advertisement would be sited adjacent to the railway bridge, it would project above the parapet of this bridge and therefore would not be assimilated within the bulk of the railway bridge behind when viewed from ground level. I accept that the base of the advertisement would be screened by landscaping and that it would introduce an element of colour and vibrancy into this industrial location. However, these factors would do little to reduce the apparent height and bulk of the main advertisement display.
6. I therefore conclude that the proposed sign would by reason of its height, size and illumination, adversely affect the visual amenity of the neighbourhood of the site. As such, notwithstanding the industrial character of this locality, the appeal proposal would not be an example of the type of advertisement considered to be acceptable in such locations in the Planning Practice Guidance.
7. The Council is also concerned that the proposed advertisement would be visually intrusive to occupiers of the block of flats on the opposite side of the railway line. However, the illuminated display of the proposed sign would be angled away from that building. Consequently, given also the separation distance and the intervening bridge structure, the proposed advertisement would not be visually intrusive when viewed from those residential properties.
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 York Way with Freight Lane. This is a signal controlled junction, with the traffic signals located in the centre of the York Way carriageway. The proposed advertisement would be sited adjacent to the railway bridge, such that the illuminated display would only be visible to drivers approaching along York Way from the north. In this direction of travel, the appeal site is approached down a slight gradient and on a section of road with a slight curve. Consequently, the traffic signals are visible to approaching drivers from a reasonable distance.
10. The proposed advertisement would be located on Freight Lane, and to the right of the traffic signals as viewed by drivers approaching from the north. The proposed sign would therefore not be viewed in conjunction with the traffic signals by approaching drivers. Furthermore, it would be viewed for a reasonable distance as drivers approach from the north and this would provide adequate opportunity for drivers to assimilate the advertisement as they approach. I am therefore satisfied that the proposed advertisement would not cause drivers to be distracted as they approach the traffic controlled junction.
11. I therefore conclude that the proposed advertisement would not prejudice conditions of public safety.

Conclusion

12. 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