
Appeal Decision

Site visit made on 27 January 2015

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 2 March 2015

Appeal Ref: APP/X5210/H/14/2217846

Royal Mail Delivery Office, 1 Barnby Street (Eversholt Street), Somers Town, London NW1 1AA

- 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 Wildstone Planning against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/1027/A, dated 7 February 2014, was refused by notice dated 26 March 2014.
 - The advertisement proposed is described as 'erection of a free standing digital advertisement display unit with a stainless steel and stone finish supporting a 3m x 6m display and 1.64m x 0.27m digital logo box'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The advertisement would be located against the side of the Royal Mail Delivery Office on land which is paved and forms a contiguous part of the public footpath on the west side of Eversholt Street. There appears to be some dispute between the main parties regarding whether the land is in the ownership of Royal Mail or the Local Highways Authority. As required by the National Planning Policy Framework (NPPF), I have based my assessment of the scheme on matters of amenity and public safety, and have taken account of the location of the advertisement as part of this process. However, the issue of ownership is a separate matter between the parties which has had no material bearing on my assessment.
3. The advertisement would replace two post boxes that are currently in situ. The submitted site plan and elevation plan (0351_PP_02_Rev.A and 0351_PP_03_Rev.B) show the relocation of these boxes in an alternative position on Eversholt Street. However, the appellant has made it clear that this does not form part of the proposal and is shown for illustrative purposes only.

Main Issues

4. The main issues are the effect of the advertisement display unit on the character and appearance of the host building and surrounding area, and on highway safety.

Reasons

5. The Delivery Office is a large commercial building, constructed of brick and grey metal cladding. The building is located on the junction of Eversholt Street and Barnby Street, and has facades on both road frontages. The advertisement would be located on the diagonal corner of the building at the junction of these roads. As such the advertisement would be positioned at about a 45 degree angle to Eversholt Street, facing towards southbound traffic.
6. Eversholt Street is a busy vehicular and pedestrian thoroughfare with a mix of residential and commercial uses. The west side of the street is predominantly residential. Opposite the appeal site there are twentieth century blocks of flats with small commercial premises on the ground floor. To the north the street is lined with attractive Victorian residential and commercial buildings which have a uniform and rhythmic appearance. The adjacent office building, known as Eversholt House, is a Listed Building. St Mary's church opposite the appeal site is also a Listed Building.

Character and appearance

7. The advertisement would be a substantial feature on the side of the Delivery Office. Whilst the building itself is large, the advertisement would be some 8.5 metres high, more than half the height of the building, and as such would not be a subordinate feature. Its scale and height would fail to respect the proportions of the host building. Its vertical form would also be at odds with the horizontal emphasis of the host building, which has a banded design with grey metal cladding wrapping around its facades. The advertisement would cut through these bands, and interrupt the form and rhythm of the building.
8. The position of the advertisement on a corner site means it would be a highly visible feature in the surrounding street scene. Its diagonal position to the road would also add to its prominence, and facilitate longer distance views of the site when approaching from the north-west along Eversholt Street and Aldenham Street. Its illuminated form would further add to its visibility.
9. On my site visit I observed a small number of advertisements in the locality, including some embedded within the frame of bus shelters, and other signage on commercial premises. However, these were small in size and the overall appearance of the street is largely uncluttered, particularly in the northern section of Victorian buildings. I did not observe any comparable size advertisements or display units in the local area. Consequently, the proposed advertisement would be an incongruous feature and out of character with its surroundings.
10. For the reasons set out above, I conclude that the advertisement would materially harm the character and appearance of the host building and the surrounding area.
11. The Council has not cited visual harm to the setting of either nearby Listed Building as a reason for refusal. Nonetheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving the setting of Listed Buildings. In this respect, as the advertisement would not feature in key views of either Eversholt House or St Marys Church, I am satisfied that it would preserve those interests. In reaching this conclusion I

have had regard to the appellant's Heritage Assessment, submitted as part of the appeal process.

Highway safety

12. Notwithstanding the issue of ownership, it was clear from my site visit that the site location currently forms a contiguous part of the pavement. However, the advertisement would be located flush with the side of the Delivery Office, and the pavement in this location is wide. I therefore consider that the unit would not be a physical obstruction or impede the movement of pedestrians in the vicinity.
13. The advertisement's position flush with the wall means that it would not block visibility sightlines of vehicular traffic on Barnby Street or Eversholt Street.
14. As described above, the size, height, illuminated form and position of the advertisement on a diagonal corner of the building means it would be a prominent feature in the street scene. The angled position of the advertisement means that it would be predominantly visible to drivers travelling southwards on the opposite carriageway of Eversholt Street.
15. Transport for London's Guidance for Digital Roadside Advertising and Proposed Best Practice (2013) states that digital advertisements are best located alongside the nearside carriageway and therefore in the driver's eye line in order to avoid distraction. In this case the position of the proposed advertisement would draw driver's eyes across Eversholt Street and divert their attention from the road. I consider that this would be harmful in terms of highway safety, particularly given the existence of two pedestrian crossings in the vicinity of the site.
16. On my site visit I noted that the crossing closest to the advertisement has a belisha beacon and central refuge, whilst the crossing close to the junction of Aldenham Street has traffic lights. The advertisement would be clearly visible across the carriageway to south-bound drivers approaching both of these pedestrian crossings, and therefore a distracting presence at both locations. At the time of my site visit in the afternoon both crossing points were being used by significant numbers of school children, and I observed that there is a school adjoining the rear of St Mary's church.
17. I recognise that the speed of digital display changes and the brightness/luminance of the advertisement unit could be controlled through conditions. Nevertheless, I do not consider that such controls or restrictions would outweigh or negate the harm in terms of highway safety identified above.

Other Matters

18. I recognise that the appellant has sought to proactively engage with the local community prior to the application being submitted, and that there is some community support for the scheme. Nevertheless, as required by the NPPF I have based my assessment of the case on matters of amenity and public safety.
19. The appellant indicates that a community benefits package amounting to £15,000 would be offered to the Neighbourhood Planning Forum as part of the development, with £5,000 being ring-fenced for spending on improving the

visual appearance of St Mary's church. In accordance with the NPPF, monies relating to visual appearance can be taken into account as a material planning consideration. I have not been provided with a planning obligation. Nonetheless, I consider that the benefits set out by the appellant would not outweigh the overall harm to the character and appearance of the area, as identified above.

20. I note the appellant's comments regarding the Council's handling of the planning application. However, I have dealt with the proposal strictly on its merits. Any complaint about the Council's handling of the application is for the appellant to pursue with the Council.
21. The Council has drawn my attention to a number of policies in the Camden Core Strategy 2010-2025 (2010) as well as the Council's Supplementary Planning Document on Design (CPG1) (2013). However, whilst I have taken them into account as material considerations, the powers to control advertisements under the regulations may be exercised only in interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies and guidance have not, themselves, been decisive.
22. Since submission of the appeal, the Council has adopted the Euston Area Plan (2015). This document deals with the redevelopment of the area where the appeal site is located, linked to the potential commissioning of HS2. However, the proposal relates to a temporary installation on an existing building. Therefore, whilst I have noted the document I have afforded it little weight in the determination of this appeal.

Conclusion

23. For the reasons given above I conclude that the advertisement would be detrimental to the interests of amenity and public safety. The appeal is therefore dismissed.

KH Child

INSPECTOR