
Appeal Decision

Site visit made on 19 October 2015

by J Flack BA Solicitor

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

Decision date: 26/10/2015

Appeal Ref: APP/X5210/Z/15/3131066

Pavement outside 334-336 Gray's Inn Road, London WC1X 8EE

- 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 Derek Parkin against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1982/A, dated 31 March 2015, was refused by notice dated 8 May 2015.
 - The advertisement proposed is 6 sheet advertisement (unlit) on one glazed surface of a payphone.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has made various criticisms of the Council in relation to its exercise of enforcement powers and other matters. However, these are administrative matters which are outside the scope of my remit, which is limited to assessment of the merits of the proposal before me. That assessment is constrained by the 2007 Regulations to consideration of the interests of amenity and public safety. It follows that although I note the appellant's views as to the utility of the proposed advertisement in supporting the provision of an accessible public payphone, this is not a matter of substantive materiality to my assessment.

Main Issues

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

Reasons

4. The 2007 Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In this context it is of obvious materiality to my assessment that the pavement phone kiosk on which the proposed advertisement would be displayed is located within the Kings Cross conservation area. The desirability of preserving the character and appearance of the conservation area is a matter to which special attention must be paid pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The proposed advertisement would be displayed on the south side of a large existing payphone kiosk. The building directly adjoining the appeal phone kiosk is an older building of no particular architectural merit which has been extended at ground floor level and appears to be in use as offices. However, development to the north of this is characterised by imposing and attractive Edwardian office buildings which are complemented by mature street trees. To the south is an attractive contemporary medical building which adjoins the impressive and classically styled Royal National Throat, Nose and Ear Hospital. With the exception of the fascia sign of a bank to the north of the kiosk, advertisements along the east side of the road in the vicinity of the kiosk are generally limited to modest signage identifying the names and occupiers of the buildings.
6. Directly opposite the kiosk on the west side of the road are modern buildings, but these are flanked on either side by three storey buildings which are part of the original C19 terrace. Whilst their ground floors have largely been converted to retail or other commercial uses, they are nevertheless of clear architectural and historic significance to the conservation area, and advertisements are generally limited to fascia and some window signs.
7. I saw that there is a bus stop on the west wide of the road opposite the appeal kiosk which has an illuminated double sided advertisement. However, this is an exception. The appellant has provided a plan showing nearby phone boxes at 366, 295-305 and 340 Gray's Inn Road, but I saw on my visit that, contrary to the appellant's assertions, no advertisements are displayed on these.
8. Drawing the above matters together, given the current absence of significant advertisements along the east side of the road in the vicinity of the kiosk, I conclude that the proposed advertisement would be a disruptive and incongruous addition to the street scene. It would be inimical to the sober and restrained character of the adjacent institutional and office buildings, and diminish the substantial positive contribution they make to the conservation area. Nor do I consider that the presence of the bus stop and the advertisements associated with the commercial ground floor uses of the buildings on the west side of the road are supportive of the proposal. They instead tend to diminish the contribution made to the conservation area by the C19 terraces and it would be undesirable for this to be exacerbated by a further street advertisement, albeit that the impact of the proposal would be limited.
9. Policies of the Council's development plan are not determinative in the context of a proposal under the 2007 Regulations, but they are material to it. Given the findings of my assessment above, I consider that the proposal would be contrary to Policy CS14 of the Core Strategy¹ and Policy DP25 of the Development Policies², given their overall objective of preserving and enhancing Camden's conservation areas.
10. For the above reasons I conclude that the proposed advertisement would fail to preserve the character and appearance of the conservation area, and that it would be unacceptably detrimental to the interests of amenity.

¹ Camden Core Strategy 2010 - 2025

² Camden Development Policies 2010- 2025

11. Factors relevant to public safety include the safety of persons using any highway. The appeal phone kiosk is located close to the edge of the carriageway and a few metres to the south of the junction of Britannia Street with Gray's Inn Road. Its north and south faces have a slim metal frame, but are otherwise transparent, and the cycle racks to the south do not significantly affect views through the kiosk. The proposed advertisement would partly block the views available to pedestrians along the road, but this does not seem to me a matter of significant concern given that pavement here is wide, and whilst the Council asserts that the advertisement would increase the opportunity for anti-social behaviour and crime, it has provided no justification for its views.
12. However, I saw on my visit that Gray's Inn Road is a very busy one-way road, with traffic moving from south to north. I understand that an advertisement equivalent to that now proposed was displayed on the kiosk until quite recently: there is no evidence before me as to whether this resulted in any accidents or near misses. However, the proposed advertisement would hinder intervisibility between drivers of vehicles seeking to exit Britannia Street and drivers proceeding along the east side of Gray's Inn Road. Given that the Government's Planning Practice Guidance advises that advertisements which may cause danger to road users include those which obstruct or impair sight-lines at corners, bends or at a junction, I conclude on balance that the proposed advertisement would be harmful to the interests of public safety.
13. The appellant draws attention to two recent appeal decisions. These relate to advertisement proposals identical to that before me in conservation area locations within Camden. Consistency is important in planning decisions. However, in the assessment of a proposed advertisement, much depends on the fine detail of the context, and the limited information contained in the appeal decisions indicates that the circumstances of the advertisements proposed in those appeals were by no means identical to those of the present appeal proposal. Whilst therefore I have noted these decisions, I do not consider them of substantial materiality to my assessment.
14. I have taken into account all other matters raised in the evidence before me, but nothing arises which disturbs the conclusions I have reached above. My conclusion that the proposed advertisement would be unacceptably detrimental to the interests of amenity is sufficient on its own to cause me to dismiss the appeal, and I have in addition concluded that the advertisement would be harmful to the interests of public safety. The appeal is therefore dismissed.

J Flack

INSPECTOR