

Appeal Decision

Site visit made on 7 October 2015

by R J Marshall LLB DipTP MRTPI

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

Decision date: 28/10/2015

Appeal Ref: APP/X5210/Z/15/3063754

New College Court, New College Parade, Finchley Road, Camden, London NW3 5EX

- 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 Insite Poster Properties against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1431/A, dated 11 March 2015, was refused by notice dated 8 April 2015.
 - The advertisement proposed is replacement of existing internally-illuminated "light box" display (37.5m²) with an internally illuminated "LED screen" display (37.5m²).
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Decision

1. The appeal is allowed and express consent is granted for the display of the replacement of existing internally-illuminated "light box" display (37.5m²) with an internally illuminated "LED screen" display (37.5m²) as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements shall not be illuminated between the hours of 23.00 to 05.00 and at other times the levels of illumination shall be restricted to 400cd/m².
 - 2) The advertisements shall not change more frequently than once in every 10 seconds nor shall they contain any moving or apparently moving images or text.

Main Issue

2. The main issue in this appeal is the effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons

3. The Council refers to Policies CS14 of its Local Development Framework Core Strategy 2010 and DP24 of its Local Development Framework Policies 2010-2025 on promoting high quality places and securing high quality design. Reference is also made to the Council's Planning Guidance and its hoarding removal initiative. The Regulations require that decisions be made only in the interests of amenity, and where applicable, public safety. Therefore the Council's policies, guidance and initiative on hoardings alone cannot be

decisive. However I have taken them into account as a material consideration in my determination of this appeal.

4. In the vicinity of the site Finchley Road is a busy road flanked by commercial properties above which are predominantly residential flats. The proposed advertisement would be on the flank wall of New College Court, a 6 storey building with flats on the upper floors and commercial premises on the ground floor. The sign would be at a high level on the wall. A sign of a similar size is already located broadly on this part of the wall and would need to be removed for the new sign to be installed. The proposed sign is roughly the same height and width as the existing sign but would be thinner. It would also be inset slightly from the roof of the building and its front elevation. By contrast the existing sign is set level with the front elevation and flat roof of the building.
5. In 2013 the Council sought to discontinue the use of the site for advertising. However, the Discontinuance Notice was quashed on appeal APP/X5210/H/13/2196672. The inspector found that the site had been used for poster advertising for over 10 year without complaint and was an established part of the street scene. On a later appeal, APP/X5210/Z/15/3003981, a proposal for an LRD screen, markedly similar in terms of location and dimensions to the proposal before me, was allowed.
6. The proposed sign would undeniably be in a prominent location given its height. However, with its flank wall location views of it would largely be limited to being from the south-east along Finchley Road, and in the setting of this commercial road the sign although prominent would not be unduly dominant. It would, moreover, by being thinner than the existing sign, and set back slightly from the front of the building, be less intrusive than what is currently on site.
7. The proposed sign would be illuminated. Such signs can by virtue of their illumination appear unacceptably intrusive and cause light pollution to neighbouring residential properties. However, given its flank wall location only oblique, and thus limited, views of the sign would be obtained from residential flats opposite. Moreover, the appellant proposes that the new advertisement would operate at an illumination level of 400cd/m² during the day and not be illuminated between the hours of 23.00 and 05.00. As such it would more than comply with The Institute of Lighting Professionals guidance on maximum luminance levels for areas such as this. That being so I see no harm being caused by the illumination of the sign.

Conditions

8. As I am minded to allow the appeal I have considered whether conditions need to be imposed in addition to the standard conditions set out in the Regulations. In the interests of amenity I shall, as suggested by the appellant, restrict levels of illumination, the hours of illumination and the extent to which images on the sign change or move.

Conclusion

9. For the reasons given above it is concluded that the appeal should be allowed.

R J Marshall

INSPECTOR