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# Appeal Decision

Site visit made on 9 November 2015

**by J Flack BA Solicitor**

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

**Decision date: 18/11/2015**

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**Appeal Ref: APP/X5210/Z/15/3134986**  
**St Giles Hotel, Bedford Avenue, London WC1B 3GH**

- 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/3210/A, dated 5 June 2015, was refused by notice dated 24 August 2015.
  - The advertisement proposed is a media screen affixed to the front of the hotel building facing west with return screens at Bedford Avenue and Great Russell Street.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposed advertisement on amenity, and its effect on public safety

## Reasons

3. The appeal building occupies the whole of the area bounded by Tottenham Court Road, Great Russell Street, Bedford Avenue and Adeline Place. The proposed advertisement would be an illuminated digital media screen on which changing static images would be displayed. The screen would be 6m high, affixed to the building at first floor level. It would extend across the whole of the Tottenham Court elevation of the building, this element being 33m wide, and would continue along returns to the Bedford Avenue and Great Russell Street elevations, these each being 3.4m wide.
4. The appeal building dates from the early 1970s. While neither listed nor in a conservation area, it is a dramatic and powerful expression of the structural and decorative possibilities afforded by concrete, with four towers of differing heights rising from a low podium which occupies the whole site area. The building provides a clear sense of visual separation between the podium and the towers, and this is complemented by the design of the two key elements, the bold verticality of the towers contrasting with the carefully considered horizontal emphasis of the podium. This is created at first floor level by the use of distinctive bands of textured concrete panels above and below a line of shallow windows. These features are generally consistently present around the faces of the podium, giving it a unified appearance despite some alterations.

The appellant describes the podium as bland and featureless, but for the above reasons I consider it to be an important contributor to the design of the building. Given that the proposed advertisement would be a very prominent feature and obscure a significant element of the podium's first floor, I find in consequence that it would diminish the architectural integrity of the building and be harmful to its character and appearance.

5. In the vicinity of the appeal building, Tottenham Court Road has a busy and largely commercial character. However, as interested persons have observed, it is not equivalent to Piccadilly Circus, having an appreciably more restrained character: whilst the large modern building opposite the appeal building has signage behind its windows up to first floor level, advertisements in the vicinity are otherwise generally limited to the fascia signs of commercial premises at ground floor level together with small advertisement comprised in pavement kiosks, bus shelters and A boards. There is nothing comparable to the proposed advertisement, which would accordingly read as a discordant and incongruous feature in the street scene within Tottenham Court Road.
6. My attention is also drawn to the site's proximity to conservation areas, and the effect on their setting is a matter of importance to my assessment. I have little concern as to impact on the Charlotte Street and Hanway Street conservation areas, as the former is located some distance to the north, and whilst the latter includes the modern building opposite the site, this is identified by the Council as being only a neutral contributor, and the qualities of this conservation area are principally defined by the attractive older buildings in Hanway Street and Hanway Place.
7. However, the Bloomsbury Conservation area extends along the section of Tottenham Court Road between the appeal building and St Giles' Circus and wraps around the appeal building's Great Russell Street and Adeline Place facades, together with part of its Bedford Avenue façade. The Tottenham Court road frontage of the conservation area includes some impressive and formally detailed older buildings adjacent to the appeal building. The Council identifies these as Positive Buildings, and below them is the imposing listed Dominion Theatre. The proposed advertisement would appear alongside these buildings in views along Tottenham Court Road, and it would be a dominant and jarring feature which would detract from appreciation of the buildings' character. The buildings along Great Russell Street are also identified by the Council as either Positive Buildings or as being listed, and Bedford Court Mansions on the Bedford Avenue frontage is also identified as a Positive Building. Whilst the impact on appreciation of these buildings would be limited given the modest area of the return screens, it nevertheless adds to my concerns.
8. Whilst I note the appellant's proposal to limit the intensity of illumination during the night and that the area is generally well-lit, this does not mitigate or come close to outweighing the harm I have identified in several respects above. I conclude therefore that the proposed advertisement would be unacceptably harmful to amenity. In the context of the Advertisement Regulations, policies of the development plan are not determinative, but relevant policies are nevertheless material to my assessment. Noting the policies cited in the evidence before me, policy CS5 of the Core Strategy<sup>1</sup> is a general strategic policy of limited direct relevance. Policies CS7 and CS9

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<sup>1</sup> Camden Core Strategy 2010 - 2025

identify Tottenham Court Road as a growth area and an extension to the west end, but for the reasons I have given, the proposed advertisement would be contrary to policy CS14 and to policies DP24 and DP25 of the Development Policies<sup>2</sup> given their overall objectives of securing high standards of design and conserving Camden's heritage.

9. The Council considers that the proposed advertisement would be detrimental to highway safety. Such a large, unusual, and prominent advertisement is likely to draw the attention of pedestrians: I saw that the footway is busy, and acknowledge that it is likely to become more congested when the present Crossrail works at St Giles Circus are complete. Nevertheless, although some pedestrians might stop to look at the advertisement, I am unconvinced that this would be very likely to cause pedestrians to walk in the carriageway, given that the pavement is wide. However, the Council's transport officers note that the area suffers from a relatively high volume of rear shunt and pedestrian accidents relating to the junctions of Tottenham Court Road with Bedford Avenue and Great Russell Street: there is no contrary evidence before me, and the stated cause of a combination of high traffic and pedestrian flows accords with my observations during my visit. Given the qualities of the proposed advertisement, there is some likelihood that it would be a harmful distraction to drivers in a context which is sensitive to any further negative change.
10. I conclude therefore that the advertisement would, albeit only to a limited extent, be detrimental to the safety of highway users and therefore harmful to public safety. The Council cites, in relation to this issue, policy CS11 of the Core Strategy, but it does not seem to me to be of material relevance to the proposal. However, the proposal would conflict with the expectation of policy DP 21 of the Development Policies that works affecting highways avoid causing harm to highway safety.
11. I have concluded above that the proposed advertisement would be unacceptably harmful to amenity. This is, on its own, sufficient to cause me to dismiss the appeal, although I have further concluded that to a limited extent the advertisement would also be harmful to public safety. I have taken account of all other matters raised in the evidence before me, but nothing arises which disturbs the foregoing conclusions. The appeal is therefore dismissed.

*J Flack*

INSPECTOR

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<sup>2</sup> Camden Development Policies 2010 - 2025