
Appeal Decision

Site visit made on 10 May 2016

by C J Ford BA (Hons) BTP Dist. MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 07 June 2016

Appeal Ref: APP/X5210/Z/16/3146818

Public footway outside 258 West End Lane, London NW6 1LJ

- 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 Mr Andrew Jordan (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/5204/A, dated 15 September 2015, was refused by notice dated 22 January 2016.
 - The advertisement proposed is a double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whilst the Council's description of the proposal refers to the poster panel as being non-illuminated, the appellant's appeal statement clarifies that it will be internally illuminated. In the interests of clarity, the appeal has been determined on the basis of the poster panel being internally illuminated.

Main Issues

3. The main issues in this case are:
 - i) The effect of the proposed advertisement on the visual amenity of the area.
 - ii) The effect of the proposed advertisement on highway safety.

Reasons

i) Visual amenity

4. The site is located within the West End Green Conservation Area (CA). In determining the appeal it is therefore necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The Council's 'West End Green Conservation Area Appraisal and Management Strategy' explains that the special character of the area is largely derived from its historic development as a village that has been absorbed but not erased by the expansion of central London. It notes the character of the area is centred

upon the 'spine' of the curving West End Lane which provides a busy route and shopping core to the area. However, the village character survives around the Green which marks a widening of the lane around a green space with mature trees and is a relic of the rural past.

6. When approaching from the south, the bus shelter location that would house the advertisement is positioned where West End Lane starts to widen before it reaches the Green. It therefore forms an important part of the setting to the public open space which is a key feature in the form and character of the CA.
7. The existing bus shelter has a double sided poster panel at one end. Although the appellant states consent is sought for the replacement of existing illuminated advertisements, the Council indicate that there is no relevant history in terms of previous applications.
8. The shelter stands in front of a terrace that has commercial uses at ground floor level with associated fascia and other signage. The same exists on the opposite side of the street. Nevertheless, it is apparent that a restrained approach to shop front signage has been adopted. This reflects the guidance in the CA appraisal which specifies that signage should be non-illuminated or externally illuminated and should not project above the traditional stringcourse or soffit of the shop front.
9. Unlike the restrained shop front signage which is set back within the street scene, the proposed forum structure would occupy a prominent forward position and constitute an element of visual clutter. Owing to its location, size and illumination, in views from the south-east it would appear as an unduly strident and conspicuous feature in the foreground to the Green, detracting from the setting and natural appearance of a key feature of the CA. It would similarly be conspicuous in the background to the Green when viewed from the north-west. As a consequence, the appeal proposal would cause harm to the visual amenity of the locality.
10. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm², the identified detrimental impacts could not be overcome by the imposition of conditions.
11. The parties have drawn attention to Development Plan policies, the National Planning Policy Framework, Planning Practice Guidance and local planning guidance which they consider are pertinent to this appeal. In particular, it is noted that Policy CS14 of the Camden Core Strategy 2010 seeks attractive places by preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas. The policies and guidance have been taken into account, so far as they are material.
12. For the reasons given above, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. It would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with relevant policies and guidance.

ii) Highway safety

13. Whilst the appellant states the Council does not raise public safety as a reason for refusing consent, the decision notice specifically expresses the Council's view that the proposed digital screen would have a detrimental impact on highway safety.

14. The Council acknowledges that the level of illumination and the display of moving images could be controlled by condition but notes that advertisements are more likely to distract road users at junctions, roundabouts and pedestrian crossings. It is of the view that the display of the digital screen in the proposed location would add visual clutter and it could distract road users, particularly during hours of darkness.
15. Digital displays of the size and form proposed are commonly experienced in using the capital's transport network. Consequently, having regard to paragraph 068 of the Planning Practice Guidance, they are not of an 'unusual nature' and thereby unlikely to be a distraction to road users in that respect.
16. Although there is a pedestrian crossing to the north-west, it is located a short distance ahead of the proposed digital display. The stretch of West End Lane leading to this location is relatively straight. The display would therefore be visible from some distance and it would allow ample time for it to be seen and its content noted by drivers without causing confusion or sudden visual disturbance on the approach to the crossing. Drivers joining West End Lane from the nearby side roads would immediately be aware of the crossing and reacting to its demands before having the opportunity to notice the existence of the display. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
17. In light of the above, it is concluded the proposed advertisement would not have a detrimental impact on highway safety and it would not conflict with relevant policies and guidance. This includes Policy DP21 of the Camden Development Policies 2010 which expects works affecting highways to avoid causing harm to highway safety.

Conclusion

18. Notwithstanding the finding on highway safety, the identified harm in respect of the visual amenity of the area is a compelling and overriding consideration in this case.
19. The suggested benefits of the advertisement identified by the appellant have been noted which includes, amongst other things, the revenue generation for re-investment in transport infrastructure and the ability to display public information. However, advertisements are subject to control only in the interests of amenity and public safety. The conclusion on the former is determinative.
20. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON