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# Appeal Decision

Site visit made on 5 July 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: 9 August 2016**

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**Appeal Ref: APP/X5210/Z/16/3145897**

**Town Hall Annexe, Euston Road/Argyle Street, Camden, London WC1H 9JE**

- 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 Mark Wilkinson (Infinity Outdoor) against the decision of the Council of the London Borough of Camden.
  - The application Ref 2015/5487/A, dated 28 September 2015, was refused by notice dated 15 January 2016.
  - The advertisement proposed is an illuminated open weave banner mesh upon a temporary scaffold, during the temporary period of the redevelopment of Camden Town Hall Annexe.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Consent is sought for a temporary period of a maximum of twelve months.

## 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 public safety.

## Reasons

### *i) Visual amenity*

4. The site is located within the King's Cross 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 'King's Cross Conservation Area Statement' indicates that the special character of the area is largely derived from its role as a major transport gateway into central London. This part of the CA is dominated by the Grade I listed St Pancras station and former Midland Grand Hotel, built in the monumental gothic revival style.

6. The host building stands on the opposite side of Euston Road to the hotel and is the former Camden Town Hall Annexe. It is built in a modern 'brutalist' style of architecture and at eight storeys high it rises well above the adjoining Grade II listed classically designed Camden Town Hall.
7. Advertisements in the surrounding part of Euston Road are largely limited to a modest degree of fascia signage and small projecting signs. High level signs, in particular large advertisement hoardings, are not a distinguishing feature of the area. There is an appreciable restraint in terms of advertisements and minimal visual clutter. This is a positive attribute in terms of the character and appearance of this part of the CA. It maintains the visual focus upon the high quality of some of the key buildings.
8. The proposal is the erection of a scaffold shroud on the Euston Road elevation with a printed 1:1 image of the building behind. The image would include a roof level extension that forms part of an earlier planning permission to convert the building to a hotel. The shroud would commence above ground floor level.
9. The application form indicates the inset advertisement would be 20m high and 45m wide. However, based on the submitted plan, the Council correctly assessed it would be around 26m high and 44m wide. It would therefore occupy in excess of 50% of the shroud. It would be positioned just above ground floor level and extend across close to the full width of the shroud. As a result, in near street levels views, little of the printed image of the building would be discernable and the height of the advertisement would dwarf the adjacent listed Town Hall.
10. Notwithstanding the busy nature of the area, owing to its excessive size, the advertisement would be an unduly prominent and jarring feature in the street scene. It would be at odds with the character of the area and the appreciable restraint in terms of advertisements. It would draw attention away and detract from the special interest and importance of the nearby listed buildings. Its harm to the visual amenity of the locality would be exacerbated by the proposed external illumination derived from nine floodlights.
11. The identified harmful impacts would be greater than that resulting from the likely alternative of scaffolding/sheeting. The harm would not be sufficiently offset by the temporary nature of the proposal and could not be overcome by conditions.
12. It is acknowledged the Council granted express consent in 2011 for a larger externally illuminated shroud advertisement on the same elevation (Council Ref 2011/5760/A). However, that advertisement specifically related to the London 2012 Olympics, with a large proportion of the surface area being plain white. It was granted as an exception owing to the importance of the unique sporting event and for a short temporary period of only four months. Ultimately, it was not implemented.
13. As such an exception does not apply in this case, the earlier consent is not directly comparable and it attracts little weight in the consideration of the first main issue. The same applies to the five cases referred to by the appellant where scaffold shroud advertisements have been granted consent. They were substantially smaller than the appeal proposal and largely related to locations where other high level advertising was readily apparent.

14. 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 and listed buildings. It is also noted that Camden Planning Guidance Design 2015 (CPG1), specifies that where shroud and banner advertisements are considered acceptable in conservation areas, the advertisement should not cover more than 10% of each elevation. The policies and guidance have been taken into account, so far as they are material.

15. 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. It would also detract from the setting of the nearby listed buildings. The proposal would conflict with relevant policies and guidance.

*ii) Public safety*

16. The Council's officer report concluded that taking into account the surface area to be illuminated, coupled with the high number of floodlights as well as the proposed intensity of the illumination, the advertisement would be harmful to the safety of road users and pedestrians in such a prominent location. The second reason for refusal, based upon these concerns, apparently came as a surprise to the appellant. Therefore, in rebuttal, a detailed Transport Statement was submitted at the appeal stage.

17. The assessment and case presented by the appellant is compelling. Whilst it is recorded by the Council that Transport for London objected to the proposal, the comments appear to be a request for further information rather than an in principle objection. Furthermore, the surface area to be illuminated, the method and intensity of illumination are comparable to the approved 2011 scheme.

18. In light of the above, it is concluded that the proposed advertisement would not have a detrimental impact on public safety and it would not conflict with relevant policies and guidance. This includes Policy DP21 of the Camden Development Policies 2010 which seeks the avoidance of harm to highway safety.

**Conclusion**

19. Notwithstanding the finding on public safety, the identified harm in respect of the visual amenity of the area is an overriding consideration in this case. 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