



Appeal Decision

Hearing held on 11 July 2012

Site visit made on 11 July 2012

by Christopher Bowden MA (Oxon)

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

Decision date: 1 August 2012

Appeal Ref: APP/X5210/H/12/2170846

115-121 Finchley Road, London NW3 6HY

- 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 Outdoor Plus Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref. 2011/6188/A, dated 15 November 2011, was refused by notice dated 24 January 2012.
 - The advertisement proposed is an internally illuminated advertising panel measuring 4.5m high by 3m wide attached to the side elevation at first-floor level.
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Decision

1. The appeal is allowed and consent granted for the display of an internally illuminated advertising panel measuring 4.5m high by 3m wide attached to the side elevation at first-floor level at 115-121 Finchley Road, London NW3 6HY in accordance with the terms of the application Ref. 2011/6188/A, dated 15 November 2011, and the plans submitted with it. The consent is for five years from the date of this decision and is subject to the standard conditions in Schedule 2 to the Regulations.

Procedural matters

2. As discussed at the Hearing, the description of the advertisement proposed is taken from the decision notice. I consider that it describes the proposal more accurately than the one given in the application form. At the Hearing, it was confirmed that the panel proposed differs in depth from panel currently in place and thus the proposal was not for retention of that panel, as had previously been suggested. I have proceeded on the basis of the dimensions set out in the application form.
3. The decision notice cites Policies DP24 and DP30 of the Council's Local Development Framework Development Policies 2010-2025, together with Camden Planning Guidance *Design* 2011. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. While plan policies are therefore not themselves decisive, I have taken into account as material considerations the policies and guidance mentioned above, together with paragraph 67 of the National Planning Policy Framework published in March 2012 (as discussed at the Hearing).

4. The Council drew my attention to a number of decisions dismissing appeals elsewhere in the Borough. While I have taken the decisions into account, I have determined this appeal on its merits.

Main issue

5. This is the effect of the proposal on the street scene.

Reasons

6. The appeal site is a relatively modern four-storey building with commercial use of the ground-floor and residential accommodation above. The panel would be on the north-facing flank elevation of No 121, replacing the unauthorised one currently located there and which itself replaced a smaller poster display apparently attached to the wall for many years. The wall is immediately adjacent to a large modern commercial building (Overground House) some nine storeys high. Overall, this is a busy and vibrant area of mixed use, the site facing the heavily-trafficked Finchley Road (A41).
7. The Council has an initiative to remove hoardings throughout the Borough, the current focus of which includes major routes, such as Finchley Road. The initiative aims to improve the built environment by reducing visual clutter in the street scene. It follows an earlier initiative which resulted in a number of hoarding removals. Examples cited in the appeal process of actual or proposed removals (including related appeal decisions) concern hoardings significantly larger than the panel proposed in this case. However, the Council confirmed at the Hearing that it would have sought removal of the smaller panel previously attached to the wall, had it still been in place.
8. In this instance, the panel proposed would be above the level of the ground-floor commercial element and would not reflect the building's function or activity. Nevertheless, although above fascia level, it would relate satisfactorily to the design and scale of the host building. It would be fairly prominent when viewed from the north but would not be unduly dominant or intrusive, particularly given that the large commercial building looming next to it forms part of the context in which it would be seen. The host building itself is of no great distinction architecturally and its flank wall is not an asset to the street scene. Indeed, the advertisement would add colour and interest to a notably drab part of the streetscape. To this extent, the panel would be positively advantageous to amenity and it would not compete to any significant degree with nearby shop fronts, fascias or bus shelters, for example.
9. The portrait format proposed would broadly echo the shape of the wall available. The materials would be sympathetic given the variety in the vicinity, including shop fronts and street furniture as well as the brick of host and adjacent buildings and the rendered area below the panel.
10. I agree that the panel would be close to the edge of the host property but this reflects the constraints of the site and its relationship with Overground House. Even if the panel currently in place extends slightly forward of the building, the proposal before me would be flush with it, on the basis of the submitted elevation drawing. The depth of the proposal (less than half of the one in place¹) means that the panel would be less bulky and would not be unduly intrusive when seen from the side.

¹ 0.3m as against 0.65m, on the basis of figures supplied at the Hearing

11. The panel would be illuminated but this would be internal and static. The level of illuminance (a maximum of 600cd/sqm) would accord with the relevant standards set by the Institute of Lighting Engineers. In the context in which the panel would be seen, with light from other sources in the vicinity, including street lights on Finchley Road, the proposed illumination would not add unacceptably to the visual impact of the panel.
12. Overall, therefore, the panel would not be unduly dominant or intrusive and would not add unacceptably to visual clutter. Indeed, it would make a positive contribution by adding colour and interest to this part of Finchley Road.
13. I thus conclude that the proposal would not have a materially harmful effect on the street scene.

Conclusion

14. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

Christopher Bowden

INSPECTOR

