
Appeal Decision

Site visit made on 17 January 2017

by Alastair Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/X5210/Z/16/3160523

Adjacent to Camden Town Underground Station, Camden High Street, London NW1 8QL

- 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 Matt Swindles of Primesight Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3005/A, dated 27 May 2016, was refused by notice dated 15 August 2016.
 - The advertisement proposed is an art mural and integrated digital advertising display.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the advertisement on:
 - i. the visual amenity of the area; and
 - ii. public safety.

Reasons

Visual amenity

3. The site is within the Camden Town Conservation Area and in considering this issue it is therefore necessary in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (the Framework) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
 4. The appeal site is the frontage of an existing service yard situated between Camden Town Underground Station and 182 Camden High Street. A 48 sheet advertising hoarding is currently displayed on the site frontage which hides the services behind. Although the Council has presented no evidence of any express consent for the existing advertisement, I do not have evidence disputing that it benefits from deemed consent under Class 13 of the Regulations and that it has been displayed for many years.
 5. The site is specifically identified in the Camden Town Conservation Area Appraisal and Management Strategy (CTCAA) as a negative feature in the Conservation Area. The adjacent underground station is identified in the CTCAA as being a positive contributor to the streetscape.
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6. The local street scene is very varied, having bright, colourful and very bold frontages onto the bustling, vibrant and very busy street. Pedestrian, vehicular and general activity around the underground station and the nearby Britannia junction is particularly busy.
7. There are many commercial advertisements in this part of the Conservation Area, ranging from banner advertisements on lamp posts, traditional projecting signs and shop front fascia signs to elaborate and enlivening externally or non-illuminated signage along the upper levels of the frontages either side of Camden High Street.
8. The introduction of a large illuminated digital display board into this setting within the Conservation Area would be at odds with the immediate surroundings, adding a modern visually intrusive alien feature into the existing street scene. In such a prominent location adjacent to the landmark underground station, rather than enhancing the character and appearance of the locality the advertisement would be an incongruous modern, unsympathetic feature which would create a visually cluttered and dominant addition to the street scene. The appellant contends that the proposal will contribute to the character in a way that the site does not at present. However, I consider it would unacceptably harm visual amenity.
9. The proposed method of illumination and the effect of the changing static images would be prominent, particularly at night, constituting further visual intrusion. The level of illumination, limiting the times of illumination and other restrictions could mitigate some of the potential harmful effect of the illumination. Nonetheless, as a consequence of the matters covered above, I remain concerned regarding the overall intrusive and incongruous effect of the proposal in terms of the visual amenity of the area.
10. I have considered the Camden Town CAAC comments with respect to the mural and signage. I have also considered the appellant's revised drawings which respond to the suggestions raised by the CAAC. The amendments do not lead me to a different conclusion on this main issue. There is no dispute between parties in relation to the suitability of the artistic mural surround.
11. As a consequence of the combined effects of the size, location and method of illumination, I conclude that the proposal would be harmful to the visual amenity area and would therefore fail to preserve or enhance the character or appearance of the Conservation Area.

Public safety

12. The site is situated above the footway immediately adjacent to the pedestrian exit of the underground station. The street operates a one-way system with vehicles on Camden High Street travelling northwards. The speed restriction in the vicinity of the site is 20mph. It is a very busy pedestrian route and immediately adjacent to the site the width of the pavement is in excess of 4 metres.
13. Transport for London recommends that this is a suitable site for a digital advertising board in accordance with its Guidance for Digital Roadside Advertising and Proposed Best Practice March 2013. The methodology used to assess the proposal takes account of the relation of the proposed digital

advertisement to traffic signals, traffic signs, footways, servicing arrangements and accident data.

14. There have been 21 collisions reported in the 36 months to August 2016 in the area near to the site. However, most of these have occurred at the busy junction situated approximately 50 metres to the south of the site. From this junction drivers have only limited views of the existing advertisement as a consequence of it being at 90 degrees to the road. Therefore, I do not consider that the proposed digital advertisement display would have an adverse effect on the safety of this junction.
15. To drivers heading northwards on Camden High Street I do not consider that the proposal would be any more distracting than the existing advertisement and therefore conflicts with pedestrians, cyclists and other highway users are unlikely.
16. In the event of allowing this appeal, conditions could be used to control the display times for each static image and the illumination to mitigate concerns regarding glare and other public safety considerations.
17. On this issue I therefore conclude that the advertisement would not prejudice conditions of public safety.

Conclusion

18. Although I have concluded that the proposed advertisement would not prejudice conditions of public safety, this does not outweigh the harm to the visual amenity of the area. Accordingly, I conclude that this appeal should be dismissed.
19. I note that the Council and the appellant have referred to the development plan policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, 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. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.
20. Nonetheless, with respect to visual amenity the proposal would conflict with the requirements of Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy (the CS) and Policies DP24 and CP25 of the London Borough of Camden Local Development Framework Development Policies (DPs) and the Framework.
21. However, with respect to public safety I find no conflict with Policy CS11 of the CS and Policy DP21 of the DP. For the reasons given above and taking into account other matters, I consider that the appeal should be dismissed.

Alastair Phillips

INSPECTOR