

## Appeal Decision

Site visit made on 17 January 2017

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 13 February 2017**

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**Appeal Ref: APP/X5210/Z/16/3158874**

**Central St Giles, Charing Cross Road, London WC2H 0LA**

- 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 Richard Metcalfe against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/2888/A, dated 23 May 2016, was refused by notice dated 11 August 2016.
  - The advertisement proposed is one '96 sheet' LED illuminated advertising unit.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The name of the appellant on the appeal form is different from that on the original application form. However the original applicant has confirmed that the appeal will proceed in his name. I have considered the appeal on the basis that Mr Richard Metcalfe is the appellant and whose name therefore appears in the heading above.
3. Although the Council's decision notice refers to the Camden Town Conservation Area it is clear from the Council's Delegated Report and the evidence provided by both main parties that the site lies within the Denmark Street Conservation Area. The application seeks express consent for a period up to 23 May 2018.

### Main Issues

4. The main issues raised by this appeal are the effect the proposed advertisement unit would have on amenity and public safety.

### Reasons

#### *Amenity*

5. The proposed advertisement unit would be situated on the corner of a site which is currently undergoing redevelopment and, at the time of my visit, was surrounded by hoardings. It would be positioned above those hoardings in a location that would make it particularly prominent. It would be visible from some distance away including from the St. Giles Circus junction and from some way up Tottenham Court Road to the north as well as in the immediate vicinity of the north end of Charing Cross Road which includes entrances to Tottenham Court Road Underground station.
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6. The area is characterised by a varied but attractive townscape of largely commercial buildings although some parts are undergoing redevelopment. Surrounding listed buildings make an important contribution to the amenity of the area, in particular Centre Point as a result of its distinctive and imposing architecture and design. The simple glazed forms of the adjacent underground station entrances also contribute to high quality architecture in the area as well as being a focus for considerable pedestrian activity.
7. Although the commercial nature of some of the surrounding streets means that there are many small scale commercial signs on buildings these are predominantly confined to the ground floor level of frontages and high level illuminated hoarding advertisements are not a feature of the area. The LED illuminated display of the advertisement unit would make it particularly conspicuous throughout the day and night. As a result of its location, size and illumination the proposal would appear as an incongruous and intrusive feature in the streetscape, in contrast to its surrounding context.
8. Whilst some of the site's immediate surroundings, and particularly the backdrop to the proposed sign, are in the process of change, this would not significantly alter the degree to which it would appear intrusive or incongruous as a result of its prominent location on the edge of the development site. The proposal would consequently be harmful to the visual amenity of the area.
9. This harm to visual amenity would include that of the Denmark Street Conservation Area, the desirability of preserving or enhancing the character and appearance of which is a matter I have paid special attention to. I am conscious that the National Planning Policy Framework points out that poorly placed advertisements can have a negative impact on the appearance of the built environment.
10. I have taken into account Core Strategy<sup>1</sup> Policies CS5 and CS14 and Development Policies<sup>2</sup> DP24 and DP25 which seek to secure a high quality of design and spaces, and conserve the Borough's heritage. These policies are material in this case insofar as they relate to amenity, and given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies. As a result there would also be conflict with Denmark Street Conservation Area Appraisal and Management Strategy, 2010 which supports those policies and in particular resists hoardings, because of their size and scale, within the Conservation Area. Development Policy DP26 is less pertinent as there is little evidence to suggest that the harm to amenity I have identified would extend to that of occupiers of any nearby residential properties.
11. Whilst the period sought for display of the advertisement unit would mean that the built context on the development site to the rear would be dynamic as new buildings emerge, this would not reduce the incongruous effects of the proposal which would remain intrusive particularly when viewed from the north. The harmful effects would not be diminished to any significant degree as a result of the temporary duration of the advertisement unit's display.
12. Although smaller than advertisements on the site which had or have the benefit of express consent, the characteristics of the LED illumination would make the proposed advertisement unit materially different, in terms of its prominence

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<sup>1</sup> Camden Core Strategy 2010-2025, Local Development Framework.

<sup>2</sup> Camden Development Policies 2010-2025, Local Development Framework.

and intrusiveness, from those un-illuminated shroud type displays. Consequently, these other consents do not lead me to consider that the appeal proposal would be otherwise acceptable in amenity terms.

### *Public safety*

13. At the time of my visit Andrew Borde Street was closed to vehicle traffic. That on Charring Cross Road was one way, only being permitted to move in a northerly direction towards the St Giles Circus junction with Tottenham Court Road, Oxford Street and New Oxford Street. The appellant advises that these arrangements would remain until such time as the development would be completed and the proposed advertisement unit would be removed and I been presented with no reasons to suggest this would not be the case.
14. Whilst drivers on Charing Cross Road passing the site may catch a glimpse of displays on the unit as they pass it and also experience a degree of glare as a result of its LED illumination, this would have a limited effect as a result of the advertisement unit facing away from the passing traffic. I noted that adjacent to the site temporary signals allowed pedestrians to cross Charring Cross Road. Whilst I have no information regarding how long this arrangement would remain in situ, for the above reason I do not consider that drivers of vehicles approaching the crossing would be likely to be distracted to the extent that they would not take full heed of those signals or any others which may replace them. Similarly, although the sign would be prominent to pedestrians crossing Charing Cross Road this is unlikely to result in them stepping out into the road when signals indicate otherwise.
15. The construction management details provided by the appellant indicate that through the various phases of construction on the adjoining development site those construction vehicles exiting onto Charing Cross Road would turn to travel in a northerly direction. This traffic would not face the sign but in some cases would pass close to it. The size, glare and proximity of the sign may have some potential to distract drivers leaving the site but given that in all likelihood vehicles would be emerging from the site at slow speeds it is unlikely that this would lead to any harmful effects on safety.
16. For these reasons the proposed advertisement unit would not be harmful to public safety. I have taken into account Development Policy DP21 which seeks to avoid harm to highway safety amongst other criteria. This policy is material in this case insofar as it relates to public safety, and given that I have concluded that the proposal would not harm public safety, the proposal would avoid conflict with it.

### **Other Matters**

17. In support of the appeal, the appellant has drawn my attention to the scheme which is currently under construction on the site and in particular an element of it called the Urban Gallery which would be located in the vicinity of the proposed advertisement unit. Described<sup>3</sup> as an internalised open space it would include interactive digital installations on its internal walls, ceiling and floor. These screens have the benefit of express consent and, on the basis of available information, would be likely to be visible from the adjoining streets as

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<sup>3</sup> Letter accompanying advertisement consent application, undated, from Turley Associates.

well as from farther afield at certain times as a result of the openable shutters above.

18. However, whilst the extent of those screens would be considerable and this arrangement would enable digital display content to be visible outside the building, the arrangement would be materially different from the externally mounted LED advertisement unit proposed not least that the displays would be contained within a structure with shutters which would mean that their conspicuousness is likely to be reduced. As such I do not consider that the arrangements which have consent on site are such that would make the proposal any less harmful in comparison nor set a precedent for its acceptability.

### **Conclusion**

19. For the reasons set out above, and having had regard to all other matters raised, the advertisement unit would harm the visual amenity of the area. The appeal is therefore dismissed.

*Geoff Underwood*

INSPECTOR