

---

# 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: 03 June 2016**

---

**Appeal Ref: APP/X5210/Z/16/3146801**

**Public footway outside 88 Gray's Inn Road, London WC1R 5LW**

- 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 2015/5201/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.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address in the header above is taken from the original application form but it is more accurately described on the submitted plans as being opposite 88-90 Gray's Inn Road.
3. 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

4. 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*

5. The site is located within the Bloomsbury 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.

6. The Council's 'Bloomsbury Conservation Area Appraisal and Management Strategy' explains that the special character of the area is largely derived from grids of streets interspersed by formal landscaped squares. However, it notes that Gray's Inn has a collegiate character with a more private, internalised feel. This more private feel is reflected by the Verulam Buildings, a Grade II listed four storey terrace which is separated from Gray's Inn Road by a high brick boundary wall that is similarly Grade II listed. The wall results in a plain and inactive street frontage that is a distinct part of the character and appearance of this locality.
7. The bus shelter location that would house the advertisement is sited in front of the boundary wall to the Verulam Buildings. Although the existing bus shelter has a double sided internally illuminated poster panel at one end, its consent status is unclear. The Council indicate that a previous application was refused, (LPA reference: 2011/2597/A). The consent status of a similar panel to the north-west is also unclear.
8. On the opposite side of Gray's Inn Road, outside the CA, many of the buildings have commercial uses at ground floor level with associated fascia and other signage. The commercial properties and active street frontage on that side of the road starkly contrasts with the austere boundary wall which runs to the rear of the appeal site and the terrace located behind it. The two sides of the street are very different in character, as reflected by the delineation of the CA boundary.
9. The bus shelter location stands forward of the boundary wall, occupying a prominent position in the street scene. Owing to the location, size and illumination of the advertisement it would appear as an unduly strident and conspicuous feature. It would constitute an element of visual clutter and detract from the simple plain nature of the neighbouring wall. The sequentially changing static images would also jar with the characteristic inactive street frontage found on this side of the road. 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 300Cdm<sup>2</sup>, 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 and listed buildings. 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. It would also detract from the setting of the listed Verulam Buildings and boundary wall. 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 junction to the north-west, it is located some distance beyond the proposed digital display. Furthermore, the stretch of road leading to this location is straight and simply laid out. 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 junction. 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

---

# 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: 03 June 2016

---

**Appeal Ref: APP/X5210/Z/16/3146810**

**Public footway outside Beacon House, Kingsway, London WC2B 6PP**

- 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 2015/5203/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.
- 

## 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 Kingsway 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 'Kingsway Conservation Area Statement' indicates that the special character of the area is mainly derived from its large scale Edwardian architecture with many buildings characterised by elaborately composed and decorated Portland stone façades.
  6. The character of the bus shelter location that would house the forum structure generally conforms to the above description of Kingsway. It is sited in front of

- Beacon House and Craven House which, although not listed, are identified in the CA statement as buildings which make a positive and important contribution to the character and appearance of the CA.
7. Like many of the buildings that line this part of Kingsway, commercial uses occupy the ground floor level of Beacon House and Craven House. For the most part, these uses benefit from discrete signage that has been designed to respect the character of the host building and the wider area. Whilst that part of Beacon House which turns the corner to Parker Street experiences a greater degree of shop signage, it is the more restrained Kingsway facing elevation which forms a backdrop to the shelter.
  8. Fixed signage within the street itself is limited. 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 the CA. It maintains the visual focus upon the high quality of the surrounding buildings, including the Grade II listed Africa House on the opposite side of the road.
  9. 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 a previous application was refused, (LPA reference: 2011/2607/A).
  10. Despite the busy nature of the area, the proposed advertisement would feature in the foreground in certain street level views of Beacon House and Craven House. Owing to the size and illumination of the advertisement, it would be prominent in such views, drawing attention away and unduly detracting from the character and appearance of the buildings.
  11. Unlike the restrained shop front signage which is set back in the street scene, the proposed forum structure would occupy a prominent forward position. It would appear as a strident and discordant feature in an area that is relatively devoid of such advertisements. It would constitute an element of visual clutter, undermining one of the positive attributes of the CA. As a consequence, the appeal proposal would cause harm to the visual amenity of the immediate locality and wider area.
  12. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm<sup>2</sup>, the identified detrimental impacts could not be overcome by the imposition of conditions.
  13. 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. The policies and guidance have been taken into account, so far as they are material.
  14. 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 harm the setting of two buildings which make a positive and important contribution

to the character and appearance of the CA. The proposal would conflict with relevant policies and guidance.

*ii) Highway safety*

15. 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.
16. 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.
17. 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.
18. Although there is a junction to the north, it is located some distance beyond the proposed digital display. The stretch of Kingsway 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 junction. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
19. 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**

20. 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.
21. 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.
22. 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

---

## 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: 06 June 2016**

---

**Appeal Ref: APP/X5210/Z/16/3146812**

**Public footway outside Africa House, Kingsway, London WC2B 6AG**

- 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 2015/5365/A, dated 22 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.
- 

### 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 Kingsway 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 'Kingsway Conservation Area Statement' indicates that the special character of the area is mainly derived from its large scale Edwardian architecture with many buildings characterised by elaborately composed and decorated Portland stone façades.

6. The character of the bus shelter location that would house the forum structure generally conforms to the above description of Kingsway. It is sited in front of Africa House, a large Grade II listed building that is faced in Portland stone. The shelter partly extends across Twyford Place, towards The Church of St Anselm & St Cecilia which is similarly a Grade II listed building with a Portland stone façade. The listed buildings make an important contribution to the character and appearance of this locality.
7. Like many of the buildings that line this part of Kingsway, commercial uses occupy the ground floor level of Africa House and they benefit from discrete signage that has been designed to respect the character of the host building and the wider area. Fixed signage within the street itself is largely limited to slim monoliths that display navigation information for tourists. 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 the CA. It maintains the visual focus upon the high quality of the surrounding buildings.
8. 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 a previous application was refused, (LPA reference: 2011/2650/A).
9. Despite the busy nature of the area, the proposed advertisement would feature in the foreground in certain street level views of the listed buildings. Owing to the size and illumination of the advertisement, it would be prominent in such views, drawing attention away and unduly detracting from the special interest and importance of the buildings.
10. Unlike the restrained shop front signage which is set back within the street scene, the proposed forum structure would occupy a prominent forward position. The advertisement would appear as a strident and discordant feature in an area that is relatively devoid of such advertisements. It would constitute an element of visual clutter, undermining one of the positive attributes of the CA. As a consequence, the appeal proposal would cause harm to the visual amenity of the immediate locality and wider area.
11. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm<sup>2</sup>, the identified detrimental impacts could not be overcome by the imposition of conditions.
12. 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. The policies and guidance have been taken into account, so far as they are material.
13. 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 adjacent listed buildings. The proposal would conflict with relevant policies and guidance.



*ii) Highway safety*

14. 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.
15. 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.
16. 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.
17. Although there is a junction to the south-east, it is located some distance beyond the proposed digital display. The stretch of Kingsway leading to this location is relatively straight and simple. 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 junction. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
18. 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**

19. 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.
20. 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.
21. 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

---

# 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: 06 June 2016**

---

**Appeal Ref: APP/X5210/Z/16/3146814**

**Public footway outside 125 Aviation House, Kingsway, London WC2B 6PP**

- 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 2015/5202/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.
- 

## 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 Kingsway 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 'Kingsway Conservation Area Statement' indicates that the special character of the area is mainly derived from its large scale Edwardian architecture with many buildings characterised by elaborately composed and decorated Portland stone façades.

6. The character of the bus shelter location that would house the forum structure generally conforms to the above description of Kingsway. It is sited in front of the Grade II listed Edwardian baroque style retained façade to the Church of the Holy Trinity. The listed building makes an important contribution to the character and appearance of this locality.
7. Like many of the buildings that line this part of Kingsway, commercial uses occupy the ground floor level of the neighbouring Craven House. These uses benefit from discrete shop front signage that has been designed to respect the character of the host building and the wider area.
8. Fixed signage within the street itself is limited. 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 the CA. It maintains the visual focus upon the high quality of the surrounding buildings.
9. 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 a previous application was refused, (LPA reference: 2011/2649/A).
10. Despite the busy nature of the area, the proposed advertisement would feature in the foreground in certain street level views of the listed building. Owing to the size and illumination of the advertisement, it would be prominent in such views, drawing attention away and unduly detracting from the character and appearance of the building. As the Inspector likewise concluded in dismissing a 2002 appeal for an illuminated advertisement, it would 'spoil the setting of the adjacent listed church' (Appeal reference: APP/X5210/H/02/1099142).
11. Unlike the restrained shop front signage which is set back in the street scene, the proposed forum structure would occupy a prominent forward position. It would appear as a strident and discordant feature in an area that is relatively devoid of such advertisements. It would constitute an element of visual clutter, undermining one of the positive attributes of the CA. As a consequence, the appeal proposal would cause harm to the visual amenity of the immediate locality and wider area.
12. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm<sup>2</sup>, the identified detrimental impacts could not be overcome by the imposition of conditions.
13. 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. The policies and guidance have been taken into account, so far as they are material.
14. 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 harm the setting of the adjacent listed building. The proposal would conflict with relevant policies and guidance.

*ii) Highway safety*

15. 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.
16. 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.
17. 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.
18. Although there is a junction to the north, it is located some distance beyond the proposed digital display. The stretch of Kingsway 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 junction. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
19. 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**

20. 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.
21. 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.
22. 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

---

# 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.
- 

## 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 300Cdm<sup>2</sup>, 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

---

# 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: 06 June 2016

---

**Appeal Ref: APP/X5210/Z/16/3146822**

**Public footway outside Camden Centre, Euston Road, London NW1 2ST**

- 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 2015/5205/A, dated 15 September 2015, was refused by notice dated 22 January 2016.
  - The advertisement proposed is a single freestanding Forum Structure, featuring Digital 84" screen on one side and back lit poster panel on the reverse.
- 

## 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 application form and 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 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 bus shelter location that would house the advertisement is on the opposite side of Euston Road to the hotel. It is positioned in front of the Grade II listed Camden Town Hall. The classically designed building, clad in Portland stone, makes an important contribution to the character and appearance of this locality.
  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 a previous application was refused, (LPA reference: 2011/2610/A).
  8. Signage attached to the neighbouring buildings is limited, as is fixed signage within the street itself. 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 the buildings.
  9. Despite the busy nature of the area, the proposed advertisement would feature in the foreground in certain street level views of the Town Hall. Owing to the size and illumination of the advertisement, it would be prominent in such views, drawing attention away and unduly detracting from the special interest and importance of the building.
  10. In terms of the wider street scene, the advertisement would appear as a strident and discordant feature in an area that is relatively devoid of such advertisements. It would constitute an element of visual clutter, undermining one of the positive attributes of the CA. As a consequence, the appeal proposal would cause harm to the visual amenity of the immediate locality and wider area.
  11. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm<sup>2</sup>, the identified detrimental impacts could not be overcome by the imposition of conditions.
  12. 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. The policies and guidance have been taken into account, so far as they are material.
  13. 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 adjacent listed building. The proposal would conflict with relevant policies and guidance.
- ii) Highway safety*
14. 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.

15. 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.
16. 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.
17. Although there is a junction to the south-west, it is located some distance beyond the proposed digital display. The stretch of Euston Road leading to this location is relatively straight and simple. 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 junction. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
18. 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**

19. 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.
20. 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.
21. 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

---

# 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: 06 June 2016**

---

**Appeal Ref: APP/X5210/Z/16/3146826**

**Public footway outside 100A Chalk Farm Road, London NW1 8BB**

- 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 2015/5363/A, dated 22 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.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Although 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 Regent's Canal 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 'Regent's Canal Conservation Area Statement' explains that the special character of the area is largely derived from the almost hidden nature of the canal itself. However, it notes that in this part of the CA the Roundhouse is a major point of focus in architectural and townscape terms. The Roundhouse is a large Grade II\* listed former locomotive shed which makes a significant contribution to the character and appearance of this locality.

6. The bus shelter location that would house the advertisement is a short distance to the east of the Roundhouse. The existing bus shelter has a double sided poster panel at one end and is sited alongside a Grade II listed granite cattle trough which is positioned on the pavement edge. 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.
  7. On the opposite side of Chalk Farm Road, outside the CA, the buildings have commercial uses at ground floor level with associated fascia and other signage. The commercial properties on that side of the road starkly contrast with the austere brick boundary wall which runs to the rear of the appeal site and the office block located behind it. The two sides of the street are very different in character, as reflected by the delineation of the CA boundary. Large high level advertisement panels presently infill some of the shallow recesses in the circular form of the Roundhouse. Nevertheless, the simple plain nature of the yellow stock brick construction of the boundary wall and lower part of the Roundhouse remain characteristic features of the locality.
  8. The bus shelter location stands forward of the boundary wall and the Roundhouse, occupying a prominent position in the street scene. Owing to the location, size and illumination of the advertisement it would appear as an unduly strident and conspicuous feature. It would constitute an element of visual clutter, undermining the characteristic plain nature of the neighbouring historic brick built development. As a consequence, the appeal proposal would cause harm to the visual amenity of the locality.
  9. Despite the appellant's acceptance that in more sensitive areas the maximum night time luminance level could be limited to 300Cdm<sup>2</sup>, the identified detrimental impacts could not be overcome by the imposition of conditions.
  10. 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. The policies and guidance have been taken into account, so far as they are material.
  11. 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 Roundhouse and the adjacent cattle trough. The proposal would conflict with relevant policies and guidance.
- ii) Highway safety*
12. 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.
  13. 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.

14. 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.
15. Although there is a pedestrian traffic island located outside the Roundhouse, it is located some distance beyond the proposed digital display. Furthermore, the stretch of road leading to this location is relatively straight and simply laid out. 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 traffic island. Provided the illumination and display were appropriately controlled by conditions, the advertisement would not be an undue distraction to drivers, including at night.
16. The Council also raises a concern that the remaining width of the pavement with the advertisement in position would be too narrow. The submitted plans indicate it would be 1.3m and the Council highlight that Transport for London's guidance states pedestrian areas should have an effective footway of at least 1.8m. At the site visit it was observed that there are apparent errors in relation to the annotated dimensions of the plans. In adhering to the specified distance of the shelter from the edge of the pavement, the resultant pedestrian footway to the rear would be around 2m wide rather than 1.3m, thereby complying with the guidance.
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