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## Appeal Decision

Site visit made on 17 February 2017

**by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC**

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

**Decision date: 14<sup>th</sup> March 2017**

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**Appeal Ref: APP/X5210/Z/16/3165497**

**Town Hall Annexe, Euston Road/Argyle Street, 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 13/10/4603/A, dated 17 August 2016, was refused by notice dated 9 November 2016.
  - The advertisement proposed is 1 X open weave non-illuminated banner mesh advert situated upon a temporary access scaffold whilst the refurbishment and redevelopment of the Former Town Hall Annexe is completed.
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### Decision

1. The appeal is allowed and express consent is granted for the display of the temporary display of 1 x open weave non-illuminated banner mesh advert situated upon a temporary access scaffold whilst the refurbishment and redevelopment of the Former Town Hall Annexe is completed as applied for. The consent is subject to the five standard conditions set out in the Regulations in addition to the one set out below:
  - 1) The open weave banner mesh shroud banner measuring 199sqm permitted by this consent shall be removed from the site no later than 1 year from the date of this decision.

### Preliminary matters

2. Consent is sought for a temporary period of a maximum of twelve months.
3. The proposals were amended through the submission of a revised drawing indicating the dimensions of the advertisement on the shroud as measuring no more than 199sq m. For the avoidance of doubt I have determined the appeal on this basis and it is on this drawing that the permission is based.
4. A previous proposal for an externally illuminated banner shroud covering approximately 50% of the total shroud area on the same building was refused by the Council and subsequently dismissed on appeal in July 2016<sup>1</sup>. Although the Council has not supplied a copy of this decision, they do quote selectively from it and indeed have resubmitted their evidence for it as part of their submissions for this appeal. Given the relevance of a number of the issues to

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<sup>1</sup>Appeal Ref: APP/X5210/Z/16/3145897.

both this previous appeal and the one before me, this decision is a material consideration of significant weight and I duly take account of it in my reasoning below.

### **Main Issue**

5. This is the effect of the proposed advertisement on the visual amenity of the area.

### **Reasons**

#### *Context*

6. The appeal building itself, currently scaffolded and screened by a plain protective shroud, is an uncompromisingly modern former annex to the Old Town Hall (itself a Grade II listed building), currently under conversion to an hotel. Despite the current enshrouding in its pale plastic screen the *Brutalist* attributes of the underlying structure can still be discerned.
7. This building sits, as has been ably described previously<sup>2</sup>, amid a rich collection of listed and historic buildings, dominated by the nexus of railway termini and associated hotels, pre-eminent amongst which is St Pancras Station and the former Grand Midland Hotel, which stands directly opposite the appeal site. The appeal site also lies within the Kings Cross St Pancras Conservation Area which in turn is bordered by the Bloomsbury Conservation Area to the South. This is a bustling commercial area, though as the previously appointed person observed, at street level signage is generally restricted to fascia signs and the area is generally free of what has been described as "visual clutter".

#### *Proposals*

8. As described previously the proposals are for an open weave banner printed on a 1:1 rectified image of the façade of the building behind. There is a measure of difference between the parties in the calculation of both the greater shroud, the banner itself and the resultant percentage the latter would constitute of the former. This seems largely determined by the extent of the measurement of the greater shroud. The Council suggest an overall dimension of 1908sqm, whilst the appellant suggests one of 2226sqm. The difference is accounted for by the omission of the ground floor hoardings by the Council which secure the construction site and fully screen the building at this level.
9. The initial dimensions of the banner were calculated as 10% of the total shroud area based on an interpretation of the Council's Supplementary Planning Design Guidance CPG1. Whilst this area (defined as 222.7sqm by the appellant) would be in excess of the Council's extrapolated area (191sqm banner area as a percentage of total shroud area of 1908sqm), the amended banner proposal, at 199sqm, would only be approximately 8sqm above that calculated number.

#### *Effect on visual amenity*

10. Whilst the percentage guidance offered in CPG1 is a useful basis for starting one's consideration of the merits of the proposal, it is no substitute for an objective analysis of the actual effects of any given proposal on the visual amenity of any given context.

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<sup>2</sup> Ibid, paragraphs 4-6.

11. It is generally accepted that the 1:1 rectified images of the elevations of buildings transferred to scaffolding shrouds are a considerable aesthetic improvement on the pallid monochrome expanse of the standard lawful shroud necessarily applied to the superstructure whilst the works are in hand. The challenge lies in securing a balance between the presence of any advertisement that will fund the 1:1 image and the countervailing visual intrusion that may result from the advertisement. This challenge becomes all the more acute where the context to the proposal is very sensitive to such visual intrusion.
12. In this particular case I conclude that the relationship between rectified 1:1 elevation image and advertisement banner is such that the synthesised articulation of the façade portrayed in the former provides a significantly more forceful visual presence than the latter. The purpose of the enhanced shroud is therefore achieved without being overtly compromised by a competing and arbitrary advertising image.
13. The Council offer a particularly acute test of this consideration in their officer report where they present a montage of the proposed shroud banner framed at two different points by the eastern arch of St Pancras station. Even in this most sensitive of juxtapositions, in my view, the balance of the rectified 1:1 façade in relation to advertisement banner still very much favours the synthesised elevation image. Such a conclusion must also be itself framed against the full acknowledgement of the fall-back circumstance of the utilitarian shroud currently enveloping the building and its concomitant effect on the visual amenity of the surrounding area at present.
14. More simply put, taking these factors into account and in the particular circumstances of this case, the amended banner shroud would have no materially harmful effect on the visual amenity of the area.
15. I reach this judgement still mindful of that of the previously appointed person set out in the appeal decision who concluded otherwise. Whilst the proposals were for an advertisement banner shroud on the same building in the same location, they differ in two salient respects. Firstly, the balance between rectified 1:1 image was very different, the banner comprising more than 50% of the shroud in that case, and so approximately 40% larger than proposed here. Secondly, that proposal was to be illuminated, which the current proposal is not. These two factors combined make the current proposals very different to those before the previous decision maker. Such a conclusion therefore limits the weight I afford to his decision as a material consideration in this case.
16. Both parties have drawn my 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.

17. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and accordingly the appeal is allowed.

*David Morgan*

**Inspector**