

Appeal Decision

Site visit made on 28 March 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/X5210/Z/17/3168981

Bus Shelter opposite 43 Bloomsbury Square, London WC1A 2RJ

- 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 Ms Joanna Kujawska (JC Decaux UK Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/4258/A, dated 1 August 2016, was refused by notice dated 19 January 2017.
 - The advertisement proposed is described as 'Double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via secure remote connection. In the event of an emergency, TfL will be able to override the advertisement function and display an 'Emergency Message', alerting the public of immediate danger'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council have drawn my attention to the 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.

Main issue

3. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

4. The proposal is as described above and would effectively form the end panel within the framework of an existing bus shelter. The appeal site is located within the Bloomsbury Conservation Area (CA); sited on the footway at the prominent corner of Bloomsbury Way (A40) and Bloomsbury Square. The appeal site is close to a number of Grade II listed buildings and structures which contribute to the amenity of the area.
 5. I am therefore mindful of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out the need to have
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special regard to the desirability of preserving the setting of a listed building and that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. The street scene around Bloomsbury Square is predominantly commercial in character, however there is very little in the way of advertising or urban/highway clutter. This contributes to the tranquil and ordered character and appearance of the formal landscaped Bloomsbury Square Gardens with its dark painted railings. Whilst I accept that the bus shelter already has advertising displays, the introduction of the proposed digital display unit would by way of its size and orientation appear visually intrusive in a largely uncluttered street scene. Furthermore, despite being contained within the footprint of the shelter the digital display unit would appear visually dominant, in particular with regard to the formal ordered layout of Bloomsbury Square and its gardens. Consequently, the proposed advertisement would be at odds with the prevailing character and appearance of the CA and impinge on the setting of the Grade II listed buildings and structures which contribute to the amenity of the area.
7. Having come to the conclusions above, the proposed advertisement in this site specific location would result in material harm to the amenity of the area.

Other considerations

8. I have considered both the National Planning Policy Framework (the Framework) and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement, support for innovative design and advertisements potentially being more favoured in commercial areas. I agree with the Appellant that schemes such as this should not be taken to be automatically ruled out of CAs. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described.
9. I have considered the economic benefits to Transport for London and the potential to provide information to travellers and the potential social benefits associated with this. I accept that limitations in relation to brightness would be possible and night time illumination could be reduced. I acknowledge that the Appellant offers a number of controlling conditions albeit to my mind they would not provide sufficient mitigation.
10. I have carefully considered all the points raised by the Appellant. However these matters do not outweigh the concerns which I have in respect of amenity.

Conclusion

11. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR