

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/17/3169020

Bus Shelter advertisement Opp. 16 Theobolds Road, London WC1R 5LN

- 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 2016/2950/A, dated 15 September 2015, was refused by notice dated 16 January 2017.
 - The advertisement proposed is described as 'Double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen on one side and a static poster advertisement panel on the reverse. 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'.
-

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.
3. The site plan and co-ordinates submitted differ from the existing location of the bus shelter. Therefore, the appeal has been determined on the existing location as stated in the original application. This is consistent with the Council's approach.
4. The Council amended the site address to reflect the location of the existing bus shelter. However, I have used the address from the original application and appeal forms in my decision for consistency.

Main issues

5. The main issues in the appeal are:
 - the effect of the proposed advertisement on the amenity of the area; and
 - the effect of the proposed advertisement on public safety.
-

Reasons

Amenity

6. 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 on the footway at a prominent location within the Bloomsbury Conservation Area; opposite a Grade II listed terrace at 12-22 Theobald's Road and adjacent to a Grade II listed wall and railings to the Grade II* historic Gray's Inn Gardens. These heritage features would provide a backcloth to the advert and make a significant contribution to the amenity of the area.
7. 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 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.
8. The street scene around the appeal site is a mix of commercial and residential uses; however, advertising in the area is restrained. The existing bus shelter has one information panel and no advertising panels. Next to the shelter is a bus stop sign with a customer information panel attached to it. Whilst I accept that the bus shelter already has an information panel display, the introduction of the proposed digital display unit would by way of its size and orientation appear 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 against the backcloth of the listed boundary wall and railings. Consequently, the proposed advertisement would be at odds with the prevailing character and appearance of the Bloomsbury Conservation Area and would impinge on the setting of the Grade II listed building which contributes significantly to the amenity of the area.
9. Having come to the conclusions above, the proposed digital display unit in this site specific location would result in material harm to the amenity of the area.

Public safety

10. Digital displays of the size and form proposed are commonly experienced in an urban/city transport network. Consequently, having regard to the Planning Practice Guidance, they are not of an 'unusual nature' and thereby unlikely to be a distraction to road users in that respect.
11. However, the footway around the shelter is already narrowed by the combination of the siting of the bus shelter and stop sign. Therefore, based on my observations and the evidence before me, the introduction of the advert in this site specific location would unacceptably reduce the useable width of the footway further with the potential for pedestrians to be forced into the highway; particularly those with mobility difficulties or parents with children in pushchairs or buggies. Consequently, the proposal would be likely to result in material harm to the safe and free flow of pedestrians at this busy urban location.
12. Having reached the conclusions above, the proposed advertisement would result in material harm to public safety.

Other considerations

13. 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 Conservation Areas. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described.
14. 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.
15. 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

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

Jameson Bridgwater

INSPECTOR