
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/17/3169016

Bus Shelter advertisement Opp. 23 Chalk Farm Road, London NW1 8AG

- 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 2016/4467/A, dated 9 August 2016, was refused by notice dated 24 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 issues

3. 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

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 Regents Canal Conservation Area; on the footway adjacent to Grade II listed buildings of Stanley Sidings Stables (known as Stables Market) which contributes to the amenity of the area.
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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 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 Stables Market is predominantly commercial in character, with a mixture of retail uses and residential accommodation. The bus shelter is in front of the brick boundary wall to Stables Market, with a brick built warehouse, now used as part of the market behind the wall. Next to the shelter are a lamppost and a bus stop sign with customer information boards attached to it. However, overall there is limited clutter in the street scene. On the opposite side of the road there are retail units with illuminated signage and a bus shelter with an advertisement panel although the area around these retains an uncluttered character and appearance. 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 boundary wall and warehouse. Consequently, the proposed advertisement would be at odds with the prevailing character and appearance of this part of the Regents Canal Conservation Area and would impinge on the setting of the Grade II listed building which contributes 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.

Public safety

8. Digital displays of the size and form proposed are commonly experienced in using 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.
9. However, the appeal site is very close to a main entrance/exit point for Stables Market and the footway around the shelter is already constrained by the combination of the siting of the bus shelter, stop sign and lamppost. Consequently, based on my observations and the evidence before me, the introduction of the advert in this site specific location would be likely to result in pedestrians being forced into the highway particularly at times when the area is at its busiest as a tourist destination. As such the proposal would be likely to result in material harm to the safe and free flow of pedestrian and vehicular traffic.
10. Having reached the conclusions above, the proposed advertisement would result in material harm to public safety.

Other considerations

11. 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.

12. 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.
13. 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

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

Jameson Bridgwater

INSPECTOR