
Appeal Decision

Site visit made on 13 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/X5210/Z/17/3171289

O/S Odeon Cinema, 14 Parkway, London NW1 7AA

- 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 Mohamed Ahmed, JCDecaux UK Ltd, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6869/A, dated 13 December 2016, was refused by notice dated 26 January 2017.
 - The advertisement proposed is the installation of a double-sided structure to existing bus shelter no. 0107/9523 to display two internally illuminated digital screens.
-

Decision

1. The appeal is allowed and express consent for the installation of a double-sided structure to existing bus shelter no. 0107/9523 to display two internally illuminated digital screens as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements hereby granted shall include static images only. The interval between advertisements shall take place over a period no greater than one second. No visual effects of any kind are permitted to accompany the transition between any two successive images. The replacement image must not incorporate any fading, swiping or other animated transitional method. The display shall include a mechanism to freeze the image in the event of a malfunction. Each image shall be displayed for at least 10 seconds. The use of message sequencing for the same product is prohibited.
 - 2) The intensity of luminance of the advertisements shall be no greater than 300Cdm² during the hours of darkness.

Preliminary matters

2. I have used the Council's description of the proposal, which is more concise than that set out in application forms.
 3. The Council refer to various policies in its adopted Development Plan. The Regulations require that decisions on advertisement applications and appeals be made only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. I have therefore taken the policies into account on this basis.
-

Main Issue

4. The main issue is the effect of the proposed advertisements upon the visual amenity of the area.

Reasons

5. The site is located within the Camden Town Conservation Area. 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 same.
6. The existing bus shelter is positioned on the footway close to the entrance to the Odeon cinema. This building, along with a number of neighbouring buildings and buildings on the opposite side of the street are identified in Townscape Appraisal as making a positive contribution to the Conservation Area.
7. Nevertheless, the character of the street, particularly at ground floor level, is that of a busy town centre with shops, restaurants, bars and leisure uses with the associated level of signage. The existing signage associated with the cinema is very prominent. It includes a number of ground floor signs as well as poster panels advertising films. There is also larger sign across the frontage above first floor level and large individual projecting signs which run to the full height of the building. I do not therefore agree that this is an area with restrained shop front signage or limited illumination.
8. The bus shelter is a visually lightweight structure which, save for two information panels, is largely transparent thereby allowing views through it. It occupies a relatively prominent position forward the main building line. The proposed advertisement would comprise a double sided digital display unit at one end of the bus shelter. Although it would appear as an integral part of the same, it would nonetheless result in a more solid and increased presence within the street scene than existing.
9. However, the relatively modestly sized screens would be viewed within a very busy town centre context and against a backdrop of commercial shopfronts and leisure uses and their associated advertisements. Consequently, it would not look out of place or appear as a dominant or intrusive feature or unduly add to the level of visual clutter.
10. Subject to the brightness of the screens being limited to 300Cdm² as agreed by the appellant, the overall effect on the Conservation Area would not be material and as such would preserve its existing character and appearance.
11. I do not therefore find conflict with Local Development Framework Core Strategy Policies CS5 and CS14 or Local Development Framework Development Policies (DP) Policy DP25, which seek, amongst other matters, to preserve and enhance Camden's rich and diverse heritage assets and their settings. The Council's reason for refusal also refers to DP Policy DP24. However, this policy relates to quality design in all developments rather than advertisements.
12. I have noted the Council's reference to other proposals for digital screens which have been dismissed at appeal. However, I have not been provided with any details of those schemes with which to compare. In any case, I have treated the appeal proposal on its own merits.

13. I therefore conclude that the proposal would not have an adverse effect upon the visual amenity of the area and the matters put forward and the other considerations before me do not indicate that these advertisements should be resisted. The Regulations impose five standard conditions. I have considered the additional conditions suggested by the appellant and the Council and I agree further conditions are required to control the brightness and content of the displays so as not to detract from the visual amenity of the area and to ensure that the images would not result in harm to highway safety.
14. For the reasons given above, the appeal is allowed.

Richard S Jones

INSPECTOR