
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: 4 July 2017

Appeal Ref: APP/X5210/Z/17/3171288

Bus shelter advertisement (in front of No 274 The Black Lion Pub), Kilburn High Road, London NW6 2BY

- 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 2016/6052/A, dated 2 November 2016, was refused by notice dated 27 February 2017.
 - The advertisement proposed is described as a "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 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

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

Reasons

4. The existing bus shelter is located on the footway directly in front of The Black Lion Public House, which is a grade II* listed building built in the Flemish Gothic style, with a pink and grey granite arcaded ground floor and with red brick and stone dressings above. The building makes a significant and positive contribution to the character and appearance of the area.
 5. In determining the appeal I am therefore mindful of the duty placed upon me by Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of this listed building.
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6. Save for a solid central section, the existing bus shelter comprises clear panels with a dark frame. As such it is largely transparent and allows views through it. It does not presently accommodate any advertisements. Therefore, although occupying a relatively prominent position forward the building line, it remains a fairly recessive feature with limited influence on the character and appearance of the area and neighbouring listed building.
7. The proposed advertisement display would comprise a double sided digital display unit at one end of a new bus shelter. Although the display unit would appear as an integral part of the same, it would nonetheless result in a much more solid and imposing presence within the street scene. Due to its size, prominent forward position and the nature of the digital display, it would become an unduly conspicuous and discordant feature either seen alongside the listed building or with the listed building as its backdrop. It would also be prominent in longer views along Kilburn High Road and add to the visual clutter in the public realm. It would therefore significantly impinge on the setting of this listed building.
8. I have considered the conditions suggested by the appellant, including the possibility of limiting the night time luminance level to 300Cdm². However, in this case I am not persuaded that the harm I have found would be acceptably overcome.
9. The proposal forms part of a London wide programme by Transport for London to improve public transport provision by the upgrading and replacement of existing shelters. In this regard, I acknowledge that the modern design shelter would provide improved seating, better information display as well as the ability to override the advertisement function to display emergency messaging in the event of major incidents. The shelter design also features integrated stop identification information and other technologies, including CCTV and Wi-Fi connectivity. However, advertisements are subject to control only in the interests of amenity and public safety. The harm I found on the former is not outweighed by benefits identified.
10. I therefore conclude that the proposal would have a negative and appreciable impact on the setting of the building and would have an unacceptably harmful effect on the visual amenity of the area, contrary to Policies CS5 and CS14 of the Local Development Framework Core Strategy and Policy DP25 of the Local Development Framework Development Policies (DP). These seek, amongst other matters, to preserve and enhance Camden's rich and diverse heritage assets and their settings. The proposal would also be contrary to paragraph 67 of the National Planning Policy Framework which highlights that poorly placed advertisements can have a negative impact on the appearance of the built environment. The Council's reason for refusal also refers to DP Policy DP24, however, this relates to quality design in developments rather than advertisements.

Conclusion

11. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR