



Appeal Decision

Site visit made on 25 June 2018

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2018

Appeal Ref: APP/X5210/Z/18/3193677

191 Tottenham Court Road, London W1T 7LQ

- 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 Infocus Public Networks Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5186/A, dated 19 September 2017, was refused by notice dated 23 November 2017.
 - The advertisement proposed is the display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk. The advertisement is a standard 6 sheet display that will be affixed to the existing payphone kiosk.
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Decision

1. I dismiss the appeal.

Reasons

2. The control of advertisements is exercisable only with regard to amenity and public safety and the Council's reasons for refusal concern both of these matters.
3. Policies D1, D2 & D4 of the Camden Local Plan 2017 are material considerations and they seek high quality design that respects the local context, and which preserves and enhances the historic environment; and with respect to advertisements, provide detail on amenity and safety requirements. Policy T1 seeks to prioritise walking, cycling and public transport.
4. Paragraph 67 of the National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and that cumulative impacts should be taken into account.
5. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings or their settings; and requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The site of the proposed advertisement is an accessible, open fronted payphone set with its closed back to the carriageway and the present advertisement faces the oncoming traffic on this one-way street. The proposal would replace that display with one illuminated by means of LED modules. The appellant describes the illumination as being a low energy and low carbon lighting solution and to be lit to a level of no greater than 300Cdm².

Amenity

7. Tottenham Court Road is a busy thoroughfare, northbound only, and forms the boundary between the Bloomsbury Conservation Area on the east side, and in which the appeal site sits, and the Charlotte Street Conservation Area on the west side. The appeal site is on the footway adjacent to and west of the Heals and Habitat building at 191 to 199, which is listed at Grade II*.
8. It is clear that there is marked change in the townscape between the two sides of the road in this location, with a varied character and appearance to the west, including public open space, individual buildings, street trees and street furniture.
9. The east side by contrast is dominated by the listed Heals and Habitat building, with the appeal site being outside the later northern extension with its particularly interesting 'curving non-reflective glazing' to the shopfronts recessed between piers, and the distinctive decorative treatment of the glazing above; it is an important example of a post-war listed building. Unlike that to the west side of the road, the footway is relatively free of street furniture and displays a unified setting to the building.
10. However, it is the case that the kiosk is set forward of the general pedestrian footway, on a projection of the kerb-line into the carriageway, apparently as a demarcation of the north end of the loading lay-by. That forward position places the kiosk, and hence the existing and proposed altered advertisement, away from the frontage of the listed building and more within the character of the busy road. For that reason the effect on the setting of the listed building by the change proposed would be acceptable.
11. Whilst the conservation area boundaries meet within the carriageway, their character and appearance derives mainly from the nature of the buildings and spaces to each side, and away into their respective areas. The change proposed to the kiosk would not adversely affect the preservation of that character and appearance, being in such close proximity to the carriageway.
12. On the matter of amenity, the proposed change to the nature of the advertisement would not cause harm and the requirements of the 1990 Act, the Development Plan and national Regulations and policy would be met.

Public Safety

13. As stated, the road is busy, and being one-way northbound, traffic approaches the display site. The site is close to the light-controlled pedestrian crossing associated with the junction with Torrington Place, and which has a somewhat complicated arrangement for cycle-riders along Tottenham Court Road. There is an advance stop-line across the carriageway width of a bus-lane and 2 general vehicle lanes, and a separate cycle lane to the west, adjacent to the kiosk with a refuge between it and the vehicle lanes. The kerb-line to this cycle lane swings in from being alongside the loading lay-by and is the reason for the kiosk's visual isolation referred to in the first main issue. At the time of the site inspection, traffic was moving freely from the south with apparently little to prevent the speed limit being reached.
14. This appears to be a location where particular care would be required by all road users and pedestrians and having mind to the specific arrangements made for cyclists and the effect on their road position of the build-out containing the

kiosk, relative to the easternmost vehicle lane. The presence of the proposed illumination and changes to the displayed image as described by the appellant would risk introducing an unwarranted distraction to road users at a critical location.

15. For the above reasons the proposal would harm public safety, contrary to the requirements of the Regulations, the Framework and Development Plan policies.

Conclusions

16. Whilst the particular location of the kiosk and the proposed change to the advertisement would not cause harm to amenity, that location would risk harming public safety due to the specific arrangement of the traffic flow and its interaction with pedestrian movement. The appellant refers to the network being subsidised by revenue from advertising due to the rise in the use of mobile phones as opposed to that of static payphone kiosks. However, in view of the findings on public safety, this consideration does not outweigh the harm identified. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR