

Section 78 Advertisement Appeal Statement



Address: Regina House 124 Finchley Road London NW3 5HT

Client: Sam Dayeh

Proposal: Replacement of Existing 2m x 3m LED Panel with 3.2m x 5.76m LED Display.

Prepared by:



BARRON EDWARDS
PLANNING & ARCHITECTURE

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1.0 Introduction

1.1 This appeal statement has been prepared on behalf of Sam Dayeh of DayLite LED Media Ltd against the failure of the London Borough of Camden to determine an application for the grant Express Consent under the Town & Country Planning (Control of Advertisements)(England) Regulations 2007 to convert the existing approved 3m x 2m LED display panel to a 3.2m x 5.76m LED Display at Regina House 124 Finchley Road London NW3 5HT.

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans

Block Plan

Existing & Proposed Specification

Existing Elevations

Proposed Elevations

Supporting Statement with Specification

1.3 The outdoor advertising business is moving forward with new innovations and the proposal seeks to replace the existing backlight display with a modern slim-line digital display units.

2.0 The Surroundings and Planning History

2.1 The application site is located on the northern side of Finchley Road almost immediately opposite its junction with Canfield Road. The application building is a modern 7 storey building located within a primarily retail frontage. It has retail uses on the ground floor with offices above. The building has a stark blank dark red brick side elevation fronting onto Finchley Road. The appeal site is currently displaying a 2m x 3m LED display at first floor level which was granted permission on appeal in 2014. The site is located within the St. Johns and Netherhall Conservation Area although the building itself is not listed.

2.2 An application for a larger display with white frame was submitted in 2016 (2016/1693) but was refused by the LPA and subsequently dismissed on

appeal. However in making his decision the Inspector commented that whilst within the conservation area the building was not of any outstanding merit and whilst the proposal was larger than the existing display it was still reasonably in scale with the bulk of the flank wall and enlivened the character of this well lit commercial frontage. His only concern was that its white frame stood out in marked contrast to the dark brick elevation and appeared as an unsightly feature which justified the dismissing of the appeal.



2.3 Given the history of the site and the Inspectors comments it was assumed that any subsequent application for a larger display with a frame that complemented the dark brick work would be favourably viewed. The appeal application was deposited on 31 January 2018 but was not validated until 15 February with a decision date of 12 April 2018. The proposal was for a larger (3.2 x 5.76m) LED display with a neutral dark frame located at first & second floor level. To date the Council have not determined the application nor have officers given any likely date for determination or recommendation. Given the circumstances the applicant has no option but to appeal against non-determination.

3.0 Planning Policy

National Planning Policy Framework (NPPF)

3.1 The National planning policy framework (NPPF) was published in March 2012 and establishes the Government's strategy for delivering sustainable development. It is a material consideration in the determination of planning applications and Express Consent proposals. Section 7 of the NPPF sets out a range of guidance relating to good design. In particular, with regard to advertising, paragraph 67 states:

"Poorly placed adverts can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and orientation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The London Plan 2016

3.2 The following policies are relevant to this proposal:

Policy 6.3 - Assessing effects of development on transport capacity

Policy 7.4 - Local Character

Policy 7.6 - Architecture

Policy 7.8 – Heritage Assets

Camden Development Policy

Policy DP 24 – Advertisements

Camden Planning Guidance

Design (Advertisements & Hoardings)

3.3 Powers under the advertisement regulations, however, may only be exercised in the interests of amenity and public safety, taking account of material factors such as adopted policies which are not by themselves decisive.

4.0 Planning Considerations

4.1 The only considerations for dealing with applications for Expressed Consent are:

- a) The impact of the signage on the amenity of the area
- b) The impact of the signage on public safety

4.2 As this is an appeal against non-determination the full case of the LPA is not known and clearly the appellant would wish to comment further when the LPA state its case.

4.3 We are satisfied that the proposal would not be detrimental to the visual amenity of the area as emphasised in the earlier appeal decision (H/16/3153195). We are also satisfied that the proposal would have no effect on highway safety.

James Barron BA(Hons) DipTP MRTPI