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## Appeal Decision

Site visit made on 20 November 2018

by **C J Ford BA (Hons) BTP MRTPI**

a person appointed by the Secretary of State

Decision date: 13 December 2018

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**Appeal Ref: APP/X5210/Z/18/3208882**

**King's Cross Square, Euston Road, London N1C 4TB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
  - The appeal is made by Ms Maddalena Sanvito (Urban Vision) against the decision of the Council of the London Borough of Camden.
  - The application Ref 2018/2165/A, dated 9 May 2018, was refused by notice dated 10 July 2018.
  - The advertisements proposed are the display of two media screens.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Consent is sought for a period of ten years. The Council's decision notice more accurately describes the proposals as 'Display of two internally illuminated digital media screens (4m high x 27m wide and 6.5m high x 60m wide) on circular and oval ventilation shafts respectively'.
3. The parties have drawn attention to development plan policies and parts of the National Planning Policy Framework ('the Framework'), Planning Practice Guidance and local planning guidance which they consider are relevant to this appeal. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations.

### Main Issue

4. The main issue in this case is the effect of the proposed advertisements on the visual amenity of the area.

### Reasons

5. The appeal sites are located in King's Cross Square which forms part of the King's Cross Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA. The Council's 'King's Cross Conservation Area Statement' indicates that the special character of the area is largely derived from its role as a major transport gateway into central London. This part of the CA is dominated by the Grade I listed King's Cross Station, Grade II

- listed Great Northern Hotel and Grade I listed St Pancras station and former Midland Grand Hotel.
6. Advertisements in the square and the wider Euston Road area are largely displayed at ground floor fascia level and below. High level signs, in particular large advertisement hoardings or displays, are not a distinguishing feature and there is an appreciable restraint to the display of advertisements within the square itself. The restraint is a positive element of the character and appearance of this part of the CA. It ensures the visual focus remains on the grandeur of the listed buildings.
  7. King's Cross Square was laid out to replace the old southern concourse canopy. Through its sensitive design and careful choice of materials, it is a high quality scheme that has enhanced the character and appearance of the CA.
  8. Despite their functional purpose, the high quality of the redevelopment scheme equally applies to the oval and round ventilation shaft structures. They are of such a size that they read as buildings in their own right. They have a sensitive muted design to ensure attention is not drawn to them and away from the listed buildings but at the same time the choice of materials and level of detailing ensures they appear as visually interesting and coherent parts of the square's overall composition and identity.
  9. On close inspection, it can be appreciated that the vertical 'fins' to the upper parts of the structures match the materials used on the lower parts and this is reflective of the scheme's careful attention to detail. The fins are a key part of the architectural detailing and visual interest of the structures.
  10. The proposed LED digital advertisements would wrap around the upper part of the large oval structure and cover the upper northern semi-circular part of the smaller round structure. Given they would obscure the characteristic fins, they would be detrimental to the design and appearance of the host structures.
  11. Notwithstanding the busy nature of the area, owing to their large size, illumination and prominent high level positioning, the advertisements would appear as unduly dominant and jarring features within the square. They would be at odds with the character of the area and the appreciable restraint in terms of advertisements. They would draw attention away and detract from the special interest and importance of the nearby listed buildings.
  12. Whilst conditions could ensure the advertisements would not be unacceptably harmful to the living conditions of any nearby residents by way of their visual or aural impact, conditions could not overcome the detrimental impacts identified above.
  13. The public health benefits of the proposed fabric mesh in respect of air pollution is acknowledged but the Regulations make it clear that advertisements are subject to control only in the interests of amenity (aural and visual) and public safety. The policy in paragraphs 193 to 196 of the Framework is not applicable to this advertisement appeal. The appellant's request to consider the issuing of a split decision has been noted but both advertisements are found to be unacceptable for the same reasons.

## **Conclusion**

14. The proposed advertisements would have an unacceptably harmful effect on the visual amenity of the area. They would fail to preserve or enhance the character or appearance of the CA. They would also be detrimental to the setting of the nearby listed buildings.
15. The proposals would conflict with Policies D1, D2 and D4 of the Camden Local Plan 2017. Amongst other things, the policies seek to ensure advertisements preserve or enhance the character of their setting and host building and heritage assets.
16. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed

*C J Ford*

APPOINTED PERSON