



Appeal Decision

Site visit made on 30 April 2019

by JP Tudor Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 16 May 2019

Appeal Ref: APP/X5210/Z/18/3206572

19-21 High Holborn, Gray's Inn Chambers, Gray's Inn, London WC1R 5JA

- 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 Mark Wilkinson (Infinity Outdoor Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/1115/A, dated 28 February 2018, was refused by notice dated 22 June 2018.
 - The advertisement proposed is temporary display of externally illuminated shroud with a 1:1 image of the building and advertisement measuring approximately 9m x 14.5m on High Holborn elevation from April 2018 to May 2019.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appeal form refer to the site address as 19-20 High Holborn, although the Council Officer's Report indicates that the site comprises a 7-storey office building at Nos 19-20 and a 5-storey Grade II listed Gatehouse, known as Gray's Inn Gatehouse, located at 21 High Holborn. The application form also refers to Nos 19-21, within section 7. The Council has confirmed that the proposal would include covering the elevation of No 21. Therefore, I have amended the site address above accordingly.
3. The application indicated that the temporary period for which consent was sought for the advertisement was from 2 April 2018 to 28 February 2019, a period which has already passed. However, it is clear from the Council Officer's Report and the decision notice that the Council determined the proposal on the basis that consent was sought until May 2019, which could mean until the end of May 2019. Therefore, I have considered the appeal on that basis. I appreciate that this decision will be issued near the end of the display period considered by the Council, but no specific information has been presented to suggest that a longer period is being sought.
4. In view of the above, the description of the advertisement in the banner heading above is taken from the Council's decision notice. It more appropriately and succinctly describes the proposal than the description in the application form and refers to the period of display that was considered by the Council.
5. The display of advertisements is subject to a separate consent process within the planning system. The governing Regulations advise that the relevant

powers are to be exercised in the interests of 'amenity' and 'public safety', whilst taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.¹ The Council has not expressed concern regarding public safety and I have no reason to disagree with that assessment. Therefore, I have considered the proposal on the basis of amenity, which on the facts of this case turns on its effects on the visual amenity of the area.

Main Issue

6. The main issue is the effect of the proposed shroud screen advertisement on the visual amenity of the area, with particular regard to listed buildings and the character and appearance of the Bloomsbury Conservation Area (CA).

Reasons

7. The appeal site comprises a 7-storey office building and an adjoining 5-storey grade II listed Gatehouse. The Gatehouse, which provides access to Gray's Inn, is within the CA, whilst the remaining building within the site is adjacent to the CA boundary. According to its listing description, the Gatehouse at No 21, although originally dating from 1583, was rebuilt circa 1965, owing to the foundations slipping, with a reproduction stucco south façade added in 1967. It stands next to another grade II listed building, the Cittie of Yorke public house, immediately to the west. This part of High Holborn is a busy, commercial area which features a wide thoroughfare, providing a clear break between Gray's Inn and Lincoln's Inn and numerous buildings of 5-7 storeys, including some higher, with retail outlets at ground floor level.
8. Planning permission was granted in August 2017² for the refurbishment, extension and part change of use of the buildings on the appeal site. The implementation of that development necessitates scaffolding for the external works. My understanding is that for the duration of the works, which the Council indicates were anticipated to be completed by May 2019, a temporary scaffold screening printed on fabric mesh is proposed, containing a 1:1 replica image of the building façades with an advertisement of approximately 9 metres high by 14.5 metres wide set within it. The advertisement would be externally illuminated by 5 floodlights fixed to the scaffold poles at 4th floor level. The appellant advises that the printed poster images would be likely to change every two weeks and that the actual designs are not known at this stage.
9. The Regulations advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass listed buildings and conservation areas.³
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of '*preserving or enhancing the character or appearance*' of a Conservation Area. This statutory duty also applies in advertisement appeals insofar as it relates to the consideration of 'amenity'. Therefore, the location of the site spanning the CA boundary is a relevant factor.

¹ Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Planning Reference: 2016/6785/P

³ Regulation 3(2)

11. The statutory duty under s66(1) of the Act requiring decision makers to have special regard to preserving listed buildings and their settings only applies to the consideration of whether to grant planning permission. However, the fact that the Gatehouse, and indeed the adjoining Cittie of Yorke public house, are listed buildings is relevant to the consideration of the effect on 'amenity', for example, in terms of appearance, features and setting.
12. The Planning Practice Guidance (PPG) says that: '*Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building.*'⁴ Whilst the PPG emphasises that in all cases express consent will be required, and that listed building consent is likely to be required for scaffolding on heritage assets, it does acknowledge that such sites may be considered suitable for temporary shroud advertisements.
13. However, as a result of its width, height and positioning, the proposed advertisement would not only span much of the main office building, but also cover more than half of the width of the façade of the narrower adjoining grade II listed Gatehouse, between its 1st and 3rd floors. Therefore, the advertisement would cover a significant proportion of the proposed printed replica image of the listed building, which rather defeats the purpose of such imaging, intended to minimise the otherwise negative visual impact on the façade of scaffolding or unprepossessing scaffold shrouds.
14. Indeed, policy D4 of the Camden Local Plan (2017) (CLP) indicates that advertisements must respect the form, fabric, design and scale of their setting and host building and preserve or enhance heritage assets and conservation areas. A supplementary planning document, 'The Camden Planning Guidance: Advertisements (March 2018)' (CPG), is intended to support the policies in the CLP by providing more detailed advice on the design and siting of advertisements. It advises that whilst 'shroud advertisements' can help to shield unsightly construction work, conservation areas and listed buildings are particularly sensitive to them and could be overwhelmed.
15. In particular, the recently adopted CPG advises that where shroud and banner advertisements are considered acceptable on listed buildings or in conservation areas, the advertisement should not cover more than 10% of the shroud on each elevation. The Council suggests that the advertisement would cover approximately 37% of the overall elevation whilst the appellant refers to a figure of less than 35%. However, whichever figure is correct, it is substantially more than the 10% guidance figure within the CPG.
16. Although the Gatehouse was reconstructed in the mid-sixties, it is still a grade II listed building of architectural merit and is referred to within the Bloomsbury Conservation Area Appraisal and Management Strategy (CAA).⁵ An advertisement spanning over half the width of its façade, between 1st and 3rd floor levels, significantly diminishing the proposed 1:1 replica image, would have an adverse visual impact on the building, even taking account of the temporary nature of the advertisement and the extent of scaffolding and shrouding that would, in any case, exist during the external works.

⁴ Paragraph: 005 Reference ID: 18b-005-20140306

⁵ Adopted 18 April 2011

17. Notwithstanding the commercial character of the area and existing retail signage at ground floor levels on many buildings, the size and height of the proposed advertisement, stretching across two buildings and projecting from the façades, would make it a prominent feature in the street scene in views from within and without the CA and towards the adjacent listed Cittie of Yorke public house. Whilst illuminance levels would be relatively low, the illumination of the advertisement during the evenings would also, given its size, also draw the eye and add to its obtrusiveness. Consequently, the advertisement would have an adverse effect on the character and appearance of the CA, including the listed building within the appeal site and have some negative impact on the setting of the immediately adjoining listed building, the Cittie of Yorke public house.
18. The appellant submits that the proposed 1:1 image montage would have the benefit of obscuring the '*unsightly scaffold, scruffy green debris netting and the works taking place within*'. However, as I saw on my recent site visit, the scaffold shroud which is currently in place, is not as characterised by the appellant and appears to comprise of neat, plastic sheeting with some text relating to the redevelopment. Overall, it dissipates the visual effect of the scaffolding in the street scene.
19. In contrast, much of the 1:1 image of the buildings promoted as a benefit of the proposal, particularly in relation to the listed Gatehouse, would itself be obscured by the advertisement. Although the appellant suggests that the advertisement area would be utilised only when needed, the appellant also indicates that it would be used for, on average, three quarters of the period, which would limit the time when only the 1:1 building image would be displayed in full, limiting any mitigating effect.
20. Whilst the Council has confirmed that it has granted temporary consent for two scaffold shroud advertisements at 150 High Holborn and 262 High Holborn, not far from the appeal site, it advises that both proposals were less than 10% of the overall elevation image and, therefore, in accordance with the CPG. Furthermore, that those proposed advertisements were not to be illuminated. It seems to me that those factors materially distinguish them from the appeal proposal.
21. Although limited details have been provided, the appellant refers to an extract from an appeal decision in Westminster, which broadly supported the potential use of scaffold shrouds with advertising, in accordance with the advice in the PPG. I take a similar general view. However, each proposal needs to be judged on its individual merits and site-specific characteristics. In this case, the presence of grade II listed buildings and the CA add to the sensitivity of the area, notwithstanding its commercial nature. Indeed, the CAA notes that illuminated signage can have a major impact in conservation areas.
22. Overall therefore, given its size, positioning and illumination, I conclude that the proposed shroud screen advertisement would have a negative effect on the visual amenity of the area, with particular regard to listed buildings and the character and appearance of the Bloomsbury Conservation Area (CA). In reaching that finding, I have taken account of policies D1, D2 and D4 of the CLP which seek to safeguard local context and character along with the historic environment. They also require that advertisements preserve the character

and amenity of the area and preserve or enhance heritage assets and conservation areas, as supported by the CPG.

23. Although CLP policy A1 is also referred to by the Council, it appears to be more directly focussed on the amenity or living conditions of occupiers and neighbours, with regard to matters such as privacy, sunlight and daylight. Therefore, it has limited relevance to the proposal where it is the visual amenity of the area that is at issue.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR