



Appeal Decision

Site visit made on 30 April 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 28 June 2019

Appeal Ref: APP/X5210/H/18/3216030

**Land adjacent to the Roundhouse Theatre, Chalk Farm Road,
London NW1 8EH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by The Roundhouse Theatre against the Council of the London Borough of Camden.
 - The application Ref: 2018/3151/A is dated 4 July 2018. The advertisement proposed is replacement of two existing illuminated advertising billboards with one digital LED illuminated billboard.
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Decision

1. The appeal is dismissed and express consent for replacement of two existing illuminated advertising billboards with one digital LED illuminated billboard is refused.

Preliminary Matters

2. The appeal was lodged on the basis of a failure by the Council to give notice of its decision within the prescribed period. Although the Council's questionnaire and appeal statement appear to suggest that the Council refused the consent on 19 November 2018, that was after the appeal was made and no copy of the Council's decision notice has been supplied or further explanation provided. In the circumstances, I have treated the appeal as a non-determination case.
3. The display of advertisements is subject to a separate consent process within the planning system. The governing Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 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 indicates that it would have refused the proposal because of concerns about effects on the visual amenity of the area and public safety. Therefore, I have considered the appeal on that basis.
4. The application indicates that the advertisement consent is sought for a temporary period of 3 years, leading up to the already approved redevelopment of the site.

¹ Regulation 3(1)

Main Issues

5. The main issues are the effects of the proposed digital LED illuminated advertisement board on:
 - the visual amenity of the area, with particular regard to the settings of 'The Roundhouse', a Grade II* listed building, and the adjacent Regent's Canal Conservation Area (RCCA); and,
 - the public safety of road users.

Reasons

Visual amenity of the area

6. The appeal site comprises a parcel of land adjoining the Grade II* listed Roundhouse theatre, a performing arts and concert venue. Originally, a goods locomotive turning shed, built in 1846-1847 for the London and North Western Railway, the Roundhouse was first converted for use as a theatre in 1967. Although the site is outside it, the RCCA lies just to the southeast and includes the Roundhouse.
7. A digital screen advertisement 96 sheet display board would be placed at the northern corner of the site, facing towards the junction of Chalk Farm Road, Regent's Park Road, Adelaide Road, Haverstock Hill and Crogsland Road. It would replace two internally illuminated advertising boards, which comprise a 96 sheet display fronting onto Chalk Farm Road and a 48 sheet display facing Regent's Park Road. It is understood that the existing advertising boards have never received formal consent but attract deemed consent as they have been *in situ* for over 10 years. However, whilst the appellant says they could remain indefinitely, the Council advises that they could be subject to discontinuance action.
8. Travelling from the north-west on Haverstock Hill, there are good views of the iconic Roundhouse theatre and its distinctive conical roof, within the RCCA. As one draws closer, the Grade II listed Chalk Farm Underground Station also comes into the field of vision, on the right. As a consequence of their size and height off the ground, the two existing advertising panels, rising above a London brick boundary wall and a timber fence, already dominate the foreground and degrade public views towards the historic Roundhouse, significantly obscuring the upper parts of the listed building.
9. The appellant says that the site is a well-established advertising location having operated for many years. However, the planning history appears to comprise various refused applications for advertising hoardings and associated enforcement cases. The Council advises that its position is to resist such advertising hoardings, where they are considered to be unsympathetic to their surroundings. In any event, I consider that the scale and position of the existing advertising boards have a detrimental effect on the character and appearance of the area, particularly in relation to the setting of the Grade II* listed Roundhouse. Given those factors, as far as setting a desirable precedent for the current proposal, I give the pre-existing advertisements limited weight.
10. Although the existing back-lit vinyl displays would be removed, they would be replaced with a 96 sheet LED digital display board, about 12.6 metres wide, 3.5 metres high and 0.6 metres deep, with its face measuring about 37 square

metres. Whilst the proposal would replace two boards with one and involve a net reduction of 48 sheets in the total area of advertising, the new board would be in a more central position on the corner, similarly high off the ground, and include a protruding baffle, at one end. Its LED method of illumination would, whilst in accordance with brightness levels in relevant guidelines, generally appear more obtrusive than back-lit vinyl hoardings. Furthermore, whilst the display images would be static and would not involve flashing lights, they would change every 10 seconds. Therefore, the proposed digital advertising board would appear prominent and obtrusive in public views and have an adverse visual effect on the setting of the listed building and the RCCA.

11. There is fascia signage on shops and commercial premises in the area and hoardings advertising shows and events on the main elevation of the entrance to the Roundhouse, slightly further along Chalk Farm Road. However, I did not see other large advertisement hoardings or LED digital displays, of the scale proposed, in the immediate locale. Whilst the appeal site is just outside the RCCA, I also note that the RCCA Appraisal and Management Strategy² advises that hoardings, because of their size and scale are not considered acceptable forms of advertising within the conservation area.
12. The appellant contends that the proposed advertising board would have a negligible effect on the listed Roundhouse, because it would not be attached to the building and would not be seen by people entering or exiting at the main entrance. However, as defined in the Glossary to the National Planning Policy Framework³, the settings of heritage assets, such as listed buildings or conservation areas, are the surroundings in which the heritage assets are experienced. Therefore, 'setting' is a potentially wider concept and can include views towards listed buildings and conservation areas, such as those from Haverstock Hill.
13. It is also suggested by the appellant that the temporary nature of the 3-year display period would provide certainty, compared with the current position relating to the existing advertisement boards. Whilst that may be, it would not legitimise causing harm to the visual amenity of the area, including the settings of heritage assets, for the duration of that period. The suggestion that the sign could be switched off during the night, from 2300 to 0700, would not sufficiently mitigate the adverse effects, notwithstanding the unrestricted hours of display of the existing hoardings.
14. Given the size, location and method of illumination, I conclude that the proposal would harm the visual amenity of the area, with particular regard to the settings of 'The Roundhouse', a Grade II* listed building, and the adjacent Regent's Canal Conservation Area (RCCA).
15. I have taken into account policy D4 of the Camden Local Plan 2017 (CLP) and the supporting Camden Planning Guidance: Advertisements⁴, a Supplementary Planning Document (SPD), which seek to protect the character and amenity of an area and are, therefore, material in this case. The SPD also indicates that for digital billboards, locations near listed buildings may be unsuitable. Given that I have concluded that the digital illuminated billboard would harm visual amenity, the proposal conflicts with this policy and the supporting SPD.

² Adopted 11 September 2008

³ February 2019

⁴ March 2018

Public safety of road users

16. The Council is concerned about the proximity of the site to the busy road junction. It refers to relevant Transport for London Guidance⁵, which suggests that digital advertising displays should be in the nearside view, that is to the left, as road users look ahead. It is submitted by the Council that road users heading from Haverstock Hill and Adelaide Road towards Chalk Farm Road would be distracted by the digital display. However, there would be limited views from Adelaide Road, and given the presence of traffic lights and road signage in the foreground, I do not consider that the advertisements would be likely to significantly distract road users or prejudice public safety, when approaching what is a clearly busy junction from those directions.
17. Crogsland Road is a narrower offshoot to the north, but again there is clear signage and traffic lights relating to a cycle lane. Drivers approaching a junction, with other traffic lights and a central reservation for pedestrians visible, can be expected to exercise a reasonable degree of caution. Therefore, although the advertising display would be visible on the far side of Chalk Farm Road, it would not obscure or significantly hinder the ready interpretation of the existing traffic signage or be to the detriment of road users, including cyclists and pedestrians.
18. Therefore, the proposal would not have an adverse effect on public safety or conflict with material CLP policies, such as policy D4, insofar as it seeks to ensure that advertisements should not compromise public safety by distracting road users or by reducing the effectiveness of traffic signage or signals.

Conclusion

19. The proposal includes a light baffle, which combined with the location of the advertising board, may mitigate potential light spill from affecting residents of the Stockholm Apartments to the east. However, that only arises as an actual clear benefit relative to the effects of the existing hoardings, the larger of which is nearer the apartments. The lack of a need for vehicles to attend the site to mechanically hoist the advertisements, as they do now, is also presented as beneficial, in terms of a reduction in vehicle movements and emissions. Whilst that limited benefit is acknowledged and it is accepted that the existing boards appear to attract deemed consent, I have already explained my reasons for giving limited weight to that precedent argument.
20. Overall therefore, whilst the proposal would not adversely affect the public safety of road users, the significant harm identified to the visual amenity of the area, with particular regard to the setting of the Grade II* listed Roundhouse and the associated RCCA, is decisive.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and that express consent should be refused.

JP Tudor

INSPECTOR

⁵ Guidance for Digital Roadside Advertising and Proposed Best Practice