



Appeal Decision

Site visit made on 7 August 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/X5210/Z/19/3229641

Advertising Hoarding at Hillgrove Road Railway Bridge, South Hampstead Station NW6 4TJ

- 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 Matt Swindles of Primesight against the decision of the Council of the London Borough of Camden.
 - The application Ref 2019/0287/A, dated 18 January 2019, was refused by notice dated 2 April 2019.
 - The advertisement proposed is replacement of existing 1no internally illuminated 48 sheet advertising display with 1no 48 sheet digital LED advertising display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development and address in the heading above have been taken from the planning application form. However, in the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that the revisions were agreed. Accordingly, I have used the wording given on the original application form.

Main Issue

3. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

4. No evidence of any express consent for the existing advertisement at the site has been provided. Nonetheless, there has been no substantive evidence presented to me disputing that it benefits from deemed consent under Class 13 of the Regulations¹ and details provided indicate that it has been displayed for many years.
5. The appeal site is clearly visible from Finchley Road where there are a number of commercial properties and a variety of advertisement types and sizes. Nonetheless, the proposed sign would be some distance from the commercial area and in many views would not be seen with any other such signage. The advertisement would be partly seen with the railway cutting beyond the site

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

and there are large scale buildings close by. Notwithstanding this, it would be a large, prominent and isolated feature on this side of the road. The advertisement would be an incongruous unsympathetic feature and would dominate what is a mostly open streetscene framed by the residential properties either side and in the distance.

6. I acknowledge that the existing advertisement at the site is illuminated and its relative level of illumination to the proposed sign. Were the appeal to be allowed, conditions could be imposed to control aspects of the advertisement such as the display times, static imaging and illumination. In addition, the proposal may comply with recognised guidance in relation to illumination². Nevertheless, this would not sufficiently mitigate the harmful effect of the proposed method of illumination. The effect of the changing static images and internal illumination would make the advertisement particularly prominent and visually intrusive.
7. While the existing advertisement is of a comparable size to the one proposed, the introduction of a large illuminated digital display board would be at odds with the immediate surroundings. As a result of the matters covered above, the advertisement would be a modern alien feature in the existing street scene. It would be intrusive and incongruous, unacceptably impacting on the visual amenity of the area.
8. Part of the Primrose Hill Tunnels, which are Grade II* listed, are near the site. The Council have not raised concerns over the impact of the proposal on the setting of these. Given the separation of the site from the tunnels below and limited views of them together I consider the scheme would preserve the setting of the listed tunnels.
9. Nevertheless, the advertisement would result in unacceptable harm to the visual amenity of the area. I have taken into account the provisions of the development plan, so far as they are material, in accordance with the Regulations. The proposal would not accord with Policy D4 of the Camden Local Plan. This seeks to protect amenity, and so is material in this case.

Other Matters

10. Benefits associated with improved efficiency and reducing site visits and physical waste, even when taken together do not outweigh the harm the proposal would result in.

Conclusion

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

Stuart Willis

INSPECTOR

² Institute of Lighting Professionals' Professional Lighting Guide 05 and Guidance for Digital Roadside Advertising and Proposed Best Practice – 2013 (Transport for London)