



APPEAL STATEMENT

TOWN AND COUNTRY PLANNING (CONTROL OF
ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

278 Kilburn High Road, London, NW6 2BY

Replacement of an existing illuminated 48-sheet advertising display with
an illuminated 48-sheet digital advertisement display

INSITE REF: 7978 – 278 KILBURN HIGH ROAD
LOCAL PLANNING AUTHORITY: CAMDEN LONDON BOROUGH COUNCIL
APPLICATION REF: 2019/3484/A

DATE: OCTOBER 2019
AUTHOR: RXP

INTRODUCTION

1. 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.
2. The appeal is made by Insite Poster Properties against the decision of Camden Council. The application ref: 2019/3484/A, dated 8 July 2019, was refused by notice dated 2 September 2019.
3. Copies of the application made to the Council, the decision notice, officers report, and any supporting documents are enclosed separately with this submission.

MAIN ISSUE

4. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative effects¹.
5. The Council oppose the proposal in terms of amenity.

PROPOSAL

6. The appeal proposal is for the replacement of the existing advertising display operating with deemed consent under Class 13 of the Regulations². The proposed digital unit would measure 6m in width and 3m in height. It would present illuminated two-dimensional static images on a 10s sequential rotation. Illumination of advertisements would not exceed levels recommended by best practice guidance³. There would be no special effects associated with the display or rotation of images. The proposals entire operation would be controlled by condition⁴.

GROUNDINGS OF APPEAL

7. The proposal would be located in a setback and offset position against the flank wall of no.278. It would be visible to oncoming traffic travelling on the A5 Kilburn High Road. It lies within an area whose character is dominated by commercial and business land use and highway infrastructure. National policy and advice advocates locating advertisements in areas such as this; here any impacts are appreciably less, and commensurate to their function and environment. In this regard, the proposal should in principal be acceptable.
8. The proposal would be framed by the significantly elevated massing of the flank wall to which it would be mounted. The wall dominates the site and immediate area, causing the proposal to appear subordinate in both size and scale. It would be seen as highway users travel north whilst passing multi storey commercial properties on both sides of the highway. As a relatively modest, modern, well designed, high quality commercial apparatus, it would integrate well with the street the scene and would not lead to any material change in its character or appearance. Furthermore, as a direct replacement, the proposal would not introduce or contribute to any sense of site clutter or cumulative effects.

¹ National Planning Policy Framework, Paragraph 132

² Appendix I: Class 13 Deemed Consent

³ Institute of Lighting Professionals: The Brightness of Illuminated Advertisements (PLG 05, 2014)

⁴ See paragraph 17 of the Appeal Statement

9. Regarding heritage assets, it is considered the proposal would have a neutral impact. The adjacent Black Lion public house, a grade II listed building would not experience any significant detractor from its character, appearance, or setting. It is a commercial property, located and set within an overtly commercial environment. Its setting therefore consists of the commercial built form which surrounds it in all directions and includes the existing and proposed displays. Moreover, the public house's frontage which contains the attractive detail subject to its listing, is for the majority, only seen when facing directly towards the building. Therefore, there would be no views of the proposal when looking south towards the building's side frontage. When experiencing the buildings road facing western frontage, the display would only be seen in peripheral views.
10. Views looking towards, and out from the Kilburn Grange locally listed park would predominantly be of the proposals side elevation. Content visibility would be extremely limited, and it is therefore considered the designation would be unaffected by the proposal.

REASON(S) FOR REFUSAL

11.
 - a) The introduction of an illuminated digital display in a high position to the side of the high street on a prominent flank wall would be particularly noticeable and intrusive.
 - b) Its operation would cause it to appear as an incongruous and dominant feature, severely degrading the visual amenity of the area and street scene through the creation of clutter.
 - c) The proposals protrusion from the flank wall would add to its over dominance, especially in views from Kilburn Grange park.
 - d) The proposal would be detrimental to the setting and building of The Black Lion public house, by means of its proximity, illumination, outward orientation, and projection of light.
 - e) The proposal would be detrimental to the setting, character, and appearance of the locally listed Kilburn Grange park.

APPELLANT RESPONSE

12.
 - a) The proposal would be located at a modest elevation of 5.2m above ground level, less than half the height of the host building and flank wall that supports and frames the display. The prominence of the flank wall, the comparatively small display unit, and the proposals position on the flank wall, would ensure that that it does not appear unduly intrusive and detract from amenity.
13.
 - b) The proposal would operate in full accordance with the Institute of Lighting Professionals best practice guidance. Illumination would be carefully controlled by internal sensors in real time, allowing the display to present images which adapt to ambient conditions so as not to appear overly bright or prominent. Operation over a 24-hour period would not therefore be detrimental to the street scene or visual amenity of the surrounding area. However, in light of the Council's concerns, the appellant recommends reducing illumination by 50%. The unit would therefore operate at up to 300 candela/sqm during day light and 150 candela/sqm at night. Under these conditions the display would not appear incongruous or overly dominant when considering the presence of illuminated shop signage, street lighting, and vehicles passing the site.
14.
 - c) The proposals extension from the gable wall is limited to one side of the display and is considered to be extremely minor. It does not add to the 'bulk' of the display, which is sat back

from views looking towards the entrance of the Kilburn Grange park. The proposal in this respect, would not appear overly dominant.

15. d, e) The proposal's impact on The Black Lion Listed building is addressed within the grounds of appeal. Issues of illumination and light projection are dealt with via the proposed reduction in illumination levels. Impacts on the Kilburn Grange park have also been discussed within the grounds of appeal. The proposals location on the very outer boundary of the park, and its side on orientation ensure it is unlikely to have any degradation on its amenity or enjoyment by local residents.

CONCLUSION

16. Bearing the forgoing, the appellant considers the appeal proposal would not be detrimental to the amenity of the site, street scene, or character of the wider area. Nearby heritage features would not be significantly affected, with their appearance and setting preserved. The appellant therefore requests that the appeal be allowed.

RECOMMENDED CONDITIONS

17. A. Express consent is permitted for a period of ten years from the date hereof.
B. Illumination of the advertising unit(s) shall accord with the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015).
C. The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement.
D. The sequencing of messages relating to the same product is prohibited.
E. The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
F. The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.