



## Appeal Decisions

Site visit made on 15 August 2019

**by Jamie Reed DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 October 2019**

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### **Appeal A Ref: APP/X5210/H/19/3227881**

#### **TfL/LUL Vent Shaft, Euston Road and Gower Street, London NW1 2NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/0754/P, dated 7 February 2019, was refused by notice dated 10 April 2019.
  - The development proposed is described as 'This proposal concerns the display of an advertisement which comprises a single sided portrait display facing west towards Euston Circus. The proposed works for which planning permission is sought include the construction of an outer steel frame over the concrete vent shaft structure to which will be affixed the advertisement and green wall installations on the south and north facing facades. The outer components of the structure will be clad in a steel skin'.
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### **Appeal B Ref: APP/X5210/H/19/3227883**

#### **TfL/LUL Vent Shaft, Euston Road and Gower Street, London NW1 2NF**

- 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 Martin Stephens of JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2019/0131/A, dated 10 January 2019, was refused by notice dated 10 April 2019.
  - The advertisement proposed is described as 'This proposal seeks consent for the display of an advertisement which comprises a single sided portrait display facing west and associated structural support the advertisement to include green wall installations on the south and north facing facades'.
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## **Decision**

1. Appeal A is dismissed and Appeal B is dismissed.

## **Preliminary Matters**

2. The proposal comprises two elements: the subject of Appeal A, which is a planning application for the erection of a steel framework to display an advertisement; and that of Appeal B, the advertisement itself. This has implications for how the appeals are assessed: in terms of adverts, the assessment is confined to 'amenity' and 'public safety'. The development plan is not determinative, but can be taken into account as far as material. With regards to the planning application, the development plan is the starting point.

## **Main Issues**

3. With regard to Appeal A, the refusal of planning permission, the main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - the free movement of pedestrians, cyclists and the visually impaired.
4. With regard to Appeal B, the refusal of advertisement consent, the main issue is the effect of the appeal proposal on amenity.
5. As the effects upon character and appearance and amenity are largely the same, I have considered these together in my reasoning below.

## **Reasons**

### *Character and appearance / amenity*

6. The proposal relates to an existing vent shaft, which is located on a section of footway that runs in between Gower Street and the Euston Underpass, at Euston Circus, close to University College Hospital. This section of footway is used by pedestrians and cyclists and features a central landscaped area with tree planting and is interspersed with a number of benches and cycle stands. At the time of my visit, the area was well used with a steady flow of pedestrians and cyclists using the footway and a number of the benches and stands were occupied.
7. The existing vent shaft is positioned to the immediate west of the central landscaped area. Two narrower sections of footway run either side of the central landscaped area and continue along past the concrete vent shaft. From this point, the two footways then come together, to form a larger paved plaza at the west end of the section of footway. From here, Gower Street meets with a number of other roads, to form the busy Euston Circus. This area has a particularly open aspect and is relatively free of street clutter. As a result of this open aspect, views of the vent shaft are at their most prominent from this location.
8. The existing vent shaft comprises a 'T' shaped concrete base topped with a larger timber cladding crown. Whilst it is in clear view from Euston Circus, it is not unduly prominent, as its weathered concrete and timber-cladding blends into the backdrop of trees that lie behind in the central landscaped section. Whilst somewhat dated in appearance, it is a nonetheless a necessary functional piece of architecture, which was constructed to provide ventilation to the London Underground. An existing advertisement display board is attached to the existing vent shaft which faces towards the busy Euston Underpass. As a result of its positioning, this advertisement is not visually prominent within the streetscene.
9. The proposal involves the construction of a steel framework that would be significantly larger than the existing vent shaft. This framework would fit over the existing vent shaft and would feature a large, internally illuminated LED digital advertising board on its western elevation, facing towards Euston Circus. A metal roof with ventilation grills would then curve down behind this, meeting the eastern elevation, which would be lower in height. The other two elevations

which face Gower Street and the Euston Underpass would feature large green 'living' walls.

10. In terms of size, the proposed structure would be significantly taller and wider than the existing vent shaft. The appellant considers such an increase to be acceptable, as the scale and form of the surrounding buildings have changed significantly since the original vent shaft was constructed. Whilst this may be the case, the intervening area, with pleasant landscaping and well considered footways brings an area of much needed relief to this busy city centre location. A structure of such a size would tower above this space and would visually dominate the otherwise uncluttered public realm in this location. Furthermore, the overwhelming scale of the structure would be exacerbated by the internally illuminated LED advertisement on its most visually prominent elevation, facing towards the open vista of Euston Circus. Such an arrangement would introduce visual clutter at a high level within the streetscene.
11. The appellant considers the proposal would bring vitality and enliven this urban area. A number of examples of other projects elsewhere in the city have been provided to demonstrate that the appearance of functional buildings can be dramatically improved, particularly where they introduce 'living wall' features such as those in the proposal. It is undeniable that such features would indeed bring some benefits. It is also acknowledged that advertisements are a typical feature of busy city centre locations. Despite the benefits that the living walls would bring, the structure would nonetheless visually dominate this section of footway. This would be in marked contrast to the more subdued background character of the immediate locality, with its pleasant areas of seating under the trees and the existing vent shaft assimilating itself well into the background.
12. Accordingly, I conclude that the proposed structure would be harmful to the character and appearance of the area. Consequently, the structure would be contrary to Policy D1 of the Camden Local Plan (LP) (2017). This policy requires proposals to respect local context and character and for them to integrate well with the surrounding streets and open spaces, contributing positively to the street frontage. In addition to the harm that the structure would bring, I conclude that the proposed advertisement would have a harmful effect on amenity and would detract from the uncluttered aspect of the area, particularly at a high level. This would conflict with Policy D4 which requires advertisements to preserve or enhance the character of their setting and to not contribute to street clutter in the public realm.

*The free movement of pedestrians, cyclists and the visually impaired.*

13. A road safety audit accompanies the appeal that did not find any safety issues with regards the proposal. Upon inspection, it is evident that this considers the proposal primarily from a driver's perspective and fails to take into consideration the effect that the proposal may have on pedestrians and other footpath users.
14. The proposed structure represents an increase in width of built development when compared to the existing vent shaft. This arrangement would result in the proposed structure extending further across the footways that run past either side, which provide access to and from Euston Circus for pedestrians and cyclists. Whilst the appellant asserts that sufficient footway width would remain, this would only be the case on the southernmost footway. The northernmost footway is already constrained, as it is contained by the safety

barriers that run parallel to the Euston Underpass. The narrowing of the footway in this location would clearly make it more difficult for pedestrians and cyclists to pass along, making it more crowded than at present. Such conditions would in turn make it more difficult for the visually impaired to negotiate than at present.

15. Accordingly, I conclude that the proposed structure would be detrimental to the free movement of pedestrians, cyclists and the visually impaired. Consequently, the proposed structure would be contrary to Policy T1 of the LP. This requires proposals to promote walking and cycling by improving the environment for such users.

### **Conclusion**

16. I have found in respect of Appeal A that the proposal would be harmful to the character and appearance of the area and to the free movement of pedestrians, cyclists and the visually impaired. With regard to Appeal B, I have found the proposal would have a harmful effect on amenity. For the reasons set out above, I conclude that both Appeal A and Appeal B are dismissed.

*Jamie Reed*

INSPECTOR