



Appeal Decision

Site visit made on 10 October 2020

by Paul Freer BA (Hons) LL.M PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/X5210/G/20/3251662

Land at 226 Camden High Street, London NW1 8QS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal is made by Mr Richard Wilson of Clear Channel against discontinuance action by the London Borough of Camden.
 - The Discontinuance Notice is dated 5 March 2020.
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Decision

1. The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and the use of the site for the display of advertisements with deemed consent cease by the end of 8 weeks from the date of this decision.

Procedural Matters

2. Although the address is stated as being 226 Camden High Street as a single entity, the Discontinuance Notice is directed specifically at an illuminated digital advertisement display located on the flank wall of the property. The location of this advertisement is clearly shown on the plan attached to the Discontinuance Notice. I note from the Grounds of Appeal that the appellant has picked up on this and has framed his case accordingly. I am therefore satisfied that the Discontinuance Notice is sufficiently clear in this respect.
3. Although specifying the correct address of 226 Camden High Street, I note that reference is also made in the First Schedule of the Discontinuance Notice to a property at 88 Royal College Street. That address is some distance from the appeal site and it is clear to me that this is a typographical error. It is evident that this error has not caused any confusion to the appellant and I am satisfied that this error has not caused the appellant injustice.
4. The Council has also alerted me to an error in relation to the reference number of the Discontinuance Notice. This is stated on the notice as EN12/0360 whereas it should be EN19/0300. I assume that this error is related to that above, and again I am satisfied that the appellant has not been caused injustice as a result of it.
5. I therefore direct that the Discontinuance Notice be corrected by deleting the Description of Site in the First Schedule in its entirety, and substituting there the words 'The installation of an illuminated digital advertisement on the flank wall of the property at 226 Camden High Street, London NW1 8QS'. I also direct that the Discontinuance Notice be corrected by deleting the Council

reference number 'EN12/0360' in First Schedule and substituting there the reference number 'EN19/0300'.

6. The appellant explains that he has been in discussions with the Council regarding an alternative slimline advertisement that would display static images in sequence. I have been provided with details of that proposal and, without prejudice to his primary case, the appellant requests that I consider that proposal if I am minded not to support the retention of the existing advertisement. However, the power in the Town and Country Planning Act 1990, as modified by the Regulations, is limited to consideration of the advertisement at appeal. I am therefore not able to entertain the appellant's new proposal.

Main Issue

7. The Regulations and the National Planning Policy Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. The reasons for serving the notice at the Second Schedule of the Discontinuance Notice do not allege any danger to public safety and public safety forms no part of the Council's case. I see no reason to depart from the position adopted by the Council in this respect. The main issue in this case is therefore whether the continued use of the site for the display of advertisements would cause substantial injury to amenity.

Reasons

8. The appeal site lies within the heart of Camden Town, just to the south of Camden Lock. This area forms part of a designated Town Centre in the Camden Local Plan 2017, and is within the Primary Frontage of that centre. Camden Town is also designated as Major Centre in the London Plan 2016. This part of the town centre accommodates a variety of independent retailers that generate significant activity throughout the day and night.
9. The presence of these independent retailers has resulted in a plethora of advertisements located above first floor level of the buildings. The majority of these adverts relate to the businesses taking place in the building. This is reflected in the artistic, funky and eclectic nature of the associated displays. Typically, these advertisements displays are not illuminated above ground floor level but, where they are illuminated, this tends to static in nature. These advertisements and displays above first floor level make a significant contribution to the unique character of this part of Camden Town.
10. The Discontinuance Notice relates to an illuminated digital advertisement display located on the flank wall of the property. It is a modern, box-like design that displays advertisements having no connection with the business being carried on at ground floor level. Although the digital display does not obscure any noteworthy features of the host building, it occupies a significant proportion of the flank wall at first and second floor levels.
11. The advertisement display subject to the Discontinuance Notice portrays static images that change every 10 seconds or so via a smooth fade. I acknowledge that the brightness of the digital display falls below the maximum recommended luminance for an E4 Urban High district brightness environment¹

¹ As set out in The Institute of Professionals: Professional Lighting Guide 05, the Brightness of Illuminated Advertisements (Lighting Guide).

such as this. The appellant also explains that, in accordance with the Lighting Guide, the advertisement display includes an inbuilt light sensor which monitors ambient light levels and adjusts the display brightness level accordingly. Nevertheless, as a result of its size and siting, the advertisement display is prominent from a considerable distance when approaching along Camden High Street from the south, both by day and at night.

12. For the above reasons, the advertisement subject to the Discontinuance Notice does not positively contribute to the unique character of this part of Camden Town. On the contrary, it both distracts from and detracts from the contribution made by the eclectic mix of bespoke advertisements that form an integral part of other host properties, and which collectively make a significant contribution to the unique character of Camden Town. Consequently, notwithstanding that this a location within a primary shopping frontage and within a vibrant town centre, the continued use of the site for the display of advertisements would cause substantial injury to amenity.
13. In reaching that conclusion, I am mindful that the existing advertisement has been in its present position for in excess of ten years. I understand that in 2006 the Council granted advertisement consent for the display of a high level 48-sheet internally illuminated advertisement lightbox in this position. I recognise that the advertisement subject to the Discontinuance Notice operates at a lower illumination threshold than the internally illuminated lightbox consented in 2006. I also recognise that there were other advertisements on the flank wall of the building before that. I therefore take the appellant's point that the existing display is the latest incarnation of internally illuminated advertising displays occupying the same part of this flank elevation.
14. Nevertheless, whilst I acknowledge that many of the considerations that led to the Council granting consent in the past are likely to remain applicable now, I have no way of knowing exactly what the prevailing character was at that time, or of the individual components that combined to form that character. I must therefore base my assessment on the proposal before me and the character of the area at the time of my site visit. It is on that basis that I consider the existing advertisement to cause substantial injury to amenity.

Other matters

15. The Council cites Policy D4 of Camden's Local Plan 2017 in the reasons for taking discontinuance action, as set out in the Second Schedule of the Discontinuance Notice. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining this appeal, I have taken account of that policy as a material consideration but it has not, in itself, been decisive.

Conclusion

16. Taking all the above considerations into account, I dismiss the appeal and uphold the Discontinuance Notice as corrected.

Paul Freer

INSPECTOR