

APPEAL STATEMENT

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

SITE ADDRESS

GABLE AT 278 KILBURN HIGH ROAD, LONDON, NW6 2BY

SUBJECT OF APPEAL

DISCONTINUANCE OF AN ADVERTISING SITE OPERATING WITH
DEEMED CONSENT UNDER CLASS 13 OF THE REGULATIONS

PROPOSAL

CONTINUED USE OF SITE FOR THE DISPLAY OF ADVERTISING UNDER
CLASS 13 OF THE REGULATIONS

WILDSTONE REF: 7978: 278 KILBURN HIGH ROAD
LOCAL PLANNING AUTHORITY: CAMDEN COUNCIL
COUNCIL REF: 1800.1590
DISCONTINUANCE NOTICE REF: EN20/0131

DATE: OCTOBER 2020
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 discontinuance notice served by Camden Council.
2. The discontinuance notice refers to the site and advertising display operating with deemed consent under Class 13 of the Regulations at 278 Kilburn High Road, London, NW6 2BY.
3. The notice was served 28 August 2020 and comes into effect 23 October 2020. A copy of the notice is submitted alongside the appeal statement.
4. A local planning authority may take discontinuance action if it is satisfied that such action is necessary to remedy substantial injury to the amenity of the locality or remove a danger to public safety. When considering whether to serve a discontinuance notice local planning authorities are required to have regard to any material change in circumstances that has occurred¹.
5. The Planning Practice Guidance is clear that 'substantial injury' to the amenity of the locality is a more rigorous test than that applied in applications for express consent². Local planning authorities are therefore required to state precisely how a particular advertisement is substantially injurious, or why a particular site as a whole for the display of advertisements should cease. In terms of public safety, it states a notice should remedy a danger to public safety³.

REASONS FOR DISCONTINUANCE

6. Second Schedule: Reasons for serving Discontinuance Notice

"The use of the site for the display of advertisements causes substantial injury to the amenity of the locality. The display, by reason of their size, location, and illumination pays not respect to the design and form of the host building and is detrimental to the character and appearance of the street scene and wider conservation area. The advertisement hoarding's are therefore contrary to Policies CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the Council's Local Development Framework."

MAIN ISSUE

7. The concern is whether the existing and continued use of the site and advertising display operating with Class 13 deemed consent would be substantially injurious to amenity.

APPELLANT RESPONSE

8. Location

The advertising display is erected to the gable wall of 278 Kilburn High Road in an offset and setback position. The host building is a large multi-storied mixed-use unit with a strong commercial character that is positioned within the heavily commercialised high street

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007 – Regulation 8 (8)

² Planning Practice Guidance (Advertisements) Paragraph 045 Ref ID 18b-045-20140306

³ Planning Practice Guidance (Advertisements) Paragraph 050 Ref ID 18b-050-20140306

location of Kilburn, Central London. It is viewed alongside the existing commercial properties, businesses, and local shops which align both sides of the Kilburn High Road. Therefore, the display attached to the gable wall of No. 278, is seen within the same context and setting, and as a commercial feature in its own right. Its location in relation to its immediate and wider surroundings, is considered entirely appropriate; It does not detract from the host building or street scene by means of its location or position.

Furthermore, National guidance and advice for the location of roadside advertisements recommends positioning advertisements in areas such as this; here, their impact(s) relate to the commercial function of said environments and are unlikely to be detract from amenity.

9. Size

Measuring 6m in width by 3m in height, and 0.45m in depth, the display's modest, standard size, fits entirely within the confines of the gable wall. The wall dwarfs the display in both scale and elevation and causes the display to appear subservient. The size of the display fails to dominate the street scene and is seen in the context of far larger mixed-use units that occupy the immediate and surrounding area.

10. Illumination

The display is minimally illuminated at night and adheres to the Institute of Lighting Professionals best practice guidance for roadside advertising⁴. It operates at 300cd/sqm, and therefore appears no brighter than the surrounding illuminated shop frontages and fascia signage. Moreover, the displays illumination is relatively passive, provided by internal cathode tubing (strip lighting). It leads to an opaque and disperse luminance pattern preventing it from appearing as a direct light source.

11. Conservation Area

There are no Conservation Areas (CA) located within reasonable distance of the advertising display⁵. The proposal has no impact upon the Council's ability to preserve or enhance the CAs which fall under its jurisdiction.

12. Host building interaction

The display is located within the bottom third of the host building's south-east facing gable wall. The display's limited size and scale, in conjunction with its positioning, sees that it does not overwhelm or disrespect the character, appearance, stylings and minimalist architecture details of either the gable wall or building structure.

13. Substantial injury

Regarding the aforementioned points, it is considered that the display does not represent a feature that is so detrimental to the character and appearance of the street scene that it causes substantial injury, and warrants removal via discontinuance action. Whilst there may be elements to the display which are not entirely complementary in the Council's view, this does not cause it to meet, or satisfy, the higher test of substantial injury required for discontinuance. Furthermore, the Council have failed to identify precisely how the existing display would cause substantial injury and have instead applied a vague

⁴ The Brightness of Illuminated Advertisements PLG05 2015

⁵ Appendix I: Conservation Area maps

description of the proposals general impact upon the amenity of the street scene and surrounding area.

SUMMARY

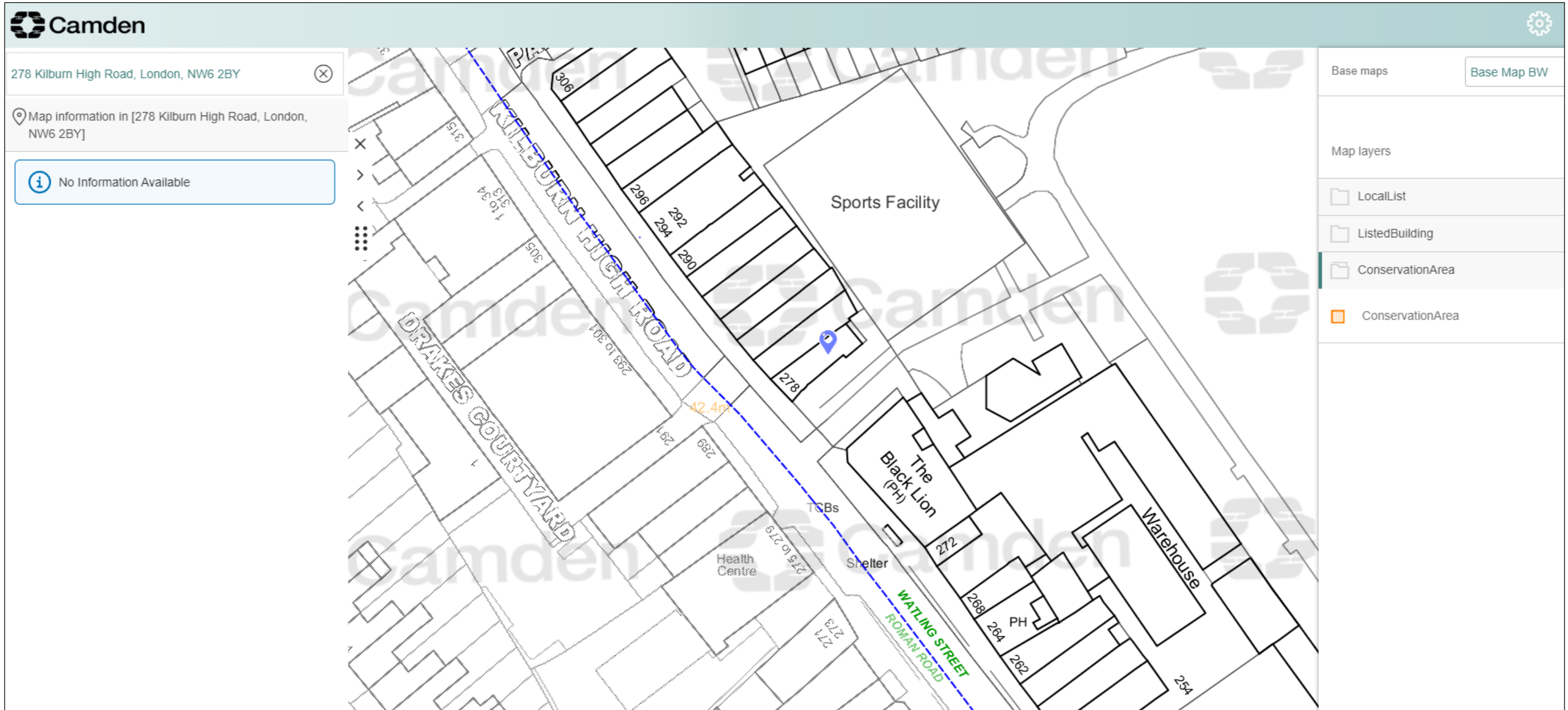
14. The appellant has demonstrated that the display, as a commercial feature, is not inappropriately located. It lies within an area characterised by commercial activity, land use, and built form, and is seen within this context. Its positioning on the lower left hand section of the gable wall is not significantly detrimental to the building, which is a large, multi-storied unit that dominates the immediate area. Removal of the display would have little impact. In terms of size, the advertising display is subservient to its massing and remains within the architectural boundary of the gable wall. The gable frames and backs the display, preventing it from appearing as a stand alone or isolated feature. It ensures it does not represent an overly prominent entity that is substantially injurious to the host building, surrounding built form, or the street scene. Regarding illumination the appellant has demonstrated that the operational levels are acceptable; the display does not appear overly bright, function as a light source, or unnecessarily draw attention. The displays illumination is reflective of its location within a busy commercial high street.

CONCLUSION

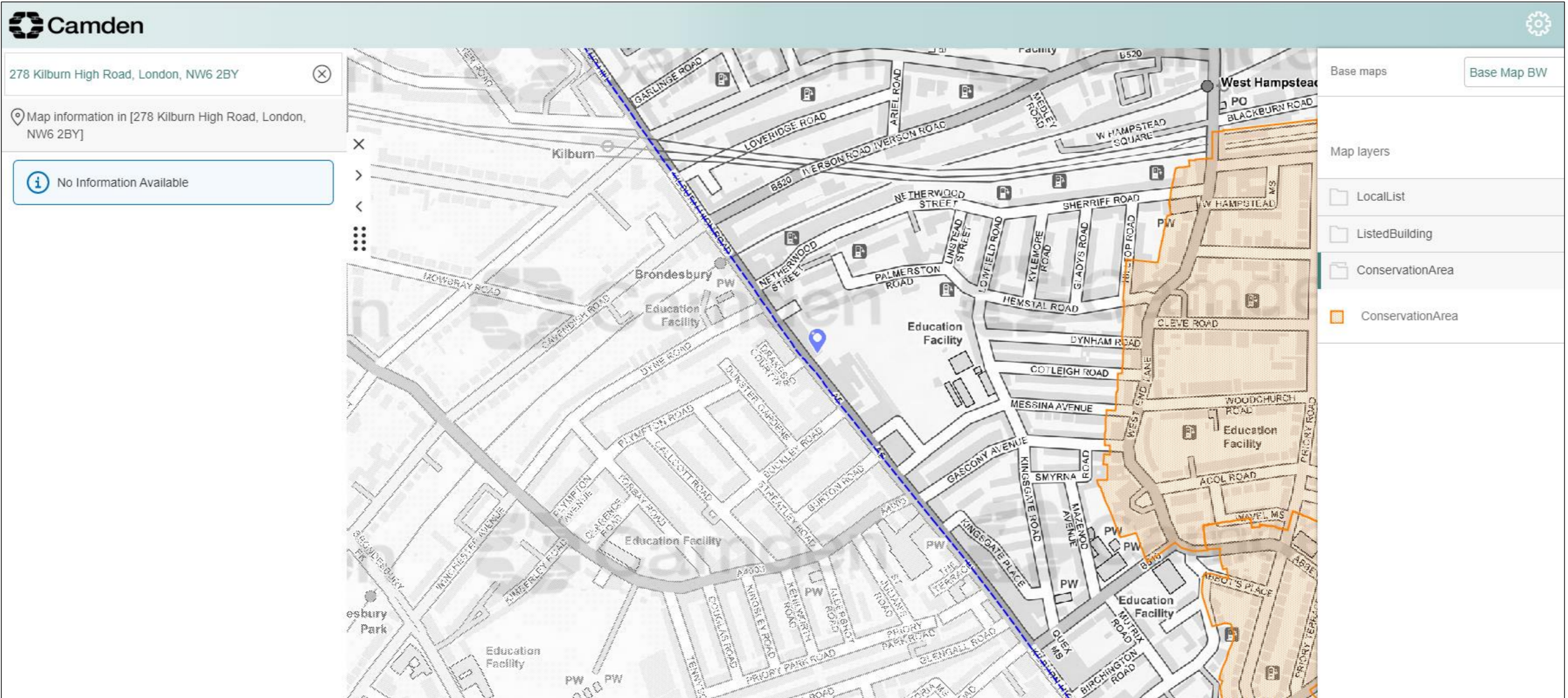
15. Firstly, the appellant has demonstrated that the advertising display and site at 278 Kilburn High Road, does not represent a feature which is detrimental to the "*character and appearance of the street and the wider conservation area.*". It does not "*cause substantial injury to the amenity of the locality.*". Secondly, the Council have not demonstrated the display represents a feature which is substantially injurious the amenity of the site, street scene, or the immediate and wider area. The appellant therefore requests that the appeal is upheld, and the discontinuance notice is quashed.

APPENDIX I

SITE IS NOT WITHIN REASONABLE DISTANCE OF ANY CONSERVATION AREA



High Zoom Level: No Conservation Area nearby site.



Low Zoom Level: Conservation Area to the east of the site c. 950m. No views of Conservation Area from site, no views from Conservation Area of site.