



Appeal Decision

Site Visit made on 13 April 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/X5210/Z/20/3263358

102 Cricklewood Broadway, LONDON, NW2 3EJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by GWR Property Co Ltd against the decision of London Borough of Camden.
 - The application Ref 2020/0875/A, dated 21 February 2020, was refused by notice dated 5 October 2020.
 - The advertisement proposed is digital LED display (6m x 3m) and logo box.
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Decision

1. The appeal is allowed, and express consent is granted for digital LED display (6m x 3m) and logo box. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:
 - 1) The intensity of the illuminance of the advertisement shall be no greater than 600 candela/square metre during the day and 200 candela/square metre during hours of darkness.
 - 2) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or interactive advertisements to be displayed.
 - 3) There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays shall be instantaneous (1 second or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display shall include a mechanism to freeze the image in the event of a malfunction.
 - 5) The advertisement shall not be illuminated between the hours of 00:00 and 05:00.

Preliminary Matters

2. In the banner heading above, I have used the description of development referred to in the appeal form, rather than the application form, as this more accurately describes the nature and scale of the proposal. I do not consider that the parties have been prejudiced by the approach I have taken.

3. In accordance with the National Planning Policy Framework (the Framework) and the Regulations, my consideration of this appeal is confined to the issues of amenity and public safety, taking into account the provisions of the development plan, so far as they are material and any other factors.

Main Issues

4. The main issues in the appeal are the effects on amenity and on public safety.

Reasons

Background

5. The appellant indicates that the appeal site has supported an advertisement billboard for over 10 years, and as the size and nature of the sign has not changed during this time, it benefits from deemed consent under Class 13(1) of the Regulations. However, there is limited evidence submitted to support this. Moreover, an ongoing enforcement investigation by the Council regarding the sign means I cannot be certain that it has lawfully existed for the length of time suggested by the appellant and that it benefits from deemed consent. Therefore, I have assessed the proposal on the basis, that if the appeal were to be dismissed, the existing advertisement could be removed following the Council's enforcement investigations.

Amenity

6. The appeal site comprises the flank wall of the end property in a short, three-storey terrace of commercial uses with residential flats above.
7. The proposal would replace the existing poster hoarding with a 6m by 3m advertisement display extending across the upper half of the appeal property's flank wall and positioned above an existing shopfront. It would comprise an internally illuminated LCD display.
8. Although facing Richborough Road, the appeal site's corner location is close to and visible from Cricklewood Broadway, a busy thoroughfare that has a high concentration of commercial uses at ground floor. These uses are characterised by large fascia signs displayed in a variety of colours, logos and corporate branding, while being either externally or internally illuminated. Additional illuminated features include a series of street lights and traffic signals that line the road, while residual artificial light is likely to emanate from the upper floor windows of buildings during the evening.
9. The proposal would cover a significant portion of the appeal property's flank wall and would result in a very prominent advertisement display when viewed from Richborough Road and Cricklewood Broadway. Yet this would be tempered somewhat by the sign's slim profile, which would only marginally project from the flank wall. Moreover, the host terrace has a decidedly commercial appearance, with projecting shopfronts and a variety of signage. Therefore, in this context the proposal would not appear overly dominant or incongruous. Similarly, it would not appear discordant within this busy and vibrant area.
10. The appellant proposes to limit the level of illumination emitted from the sign to comply with daytime and night-time standards set by the Institute of Lighting Professionals guidance. It is also suggested that the level of luminance could be further reduced to 200cd/m², while a 'switch-off' during the hours of

00:00hrs-05:00hrs could be imposed. These standards are considered acceptable in this urban area, where there is likely to already be a high level of artificial illumination. Moreover, they would be appropriate given the proposal's proximity to windows in nearby residential dwellings, along Richborough Road and those relating to the flats opposite at No 100 Cricklewood Broadway.

11. The proposed advertisement would face the flank wall of a locally listed building (LLB), Nos 82-100 Cricklewood Broadway. This three-storey terrace with commercial uses at ground floor derives a great deal of its special character, from its Cricklewood Broadway frontage, which contains a uniform arrangement of windows and ornate architectural detailing at first and second floor level. The LLB's setting includes the similarly designed buildings to the south-east and on the opposite side of Cricklewood Broadway, which collectively have a unifying presence that contributes to its significance.
12. There would be views of the proposed advertisement and the LLB from short range, although due to its position facing Richborough Road, the proposal would be at an oblique and somewhat recessed position, relative to the LLB's primary frontage, from which it derives most of its significance. On this basis it would be difficult to clearly observe the LLB's primary elevation in the same viewpoint as the proposal. From medium to longer range views looking north west from Cricklewood Broadway, the proposal's appearance becomes obscured and screened by the LLB's frontage and the existing street trees. Accordingly, the proposal's orientation and separation distance from this locally important heritage asset would not erode its special character or harm its setting.
13. Overall, I find that the proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to the host building and its surroundings, including the LLB. Accordingly, I am satisfied that, subject to appropriate safeguards relating to the level of illumination, display and time of operation, the proposal would not be over dominant or form an intrusive feature to the detriment of the amenity of the surrounding area.
14. In terms of the development plan, the proposal would be generally compliant with Policies A1, D1, D2 and D4 of the Camden Local Plan 2017. These, amongst other things, require proposals to respect local context and character, protect the Borough's heritage assets from harm and will support advertisements that preserve the character and amenity of the area.

Public Safety

15. The proposed advertisement would not directly face Cricklewood Broadway, although its elevated position and scale would make it visible to motorists travelling northward. It would come into view close to Cricklewood Broadway's junction with Anson Road. From this location motorists would have good forward visibility which would give them sufficient time to acknowledge the presence of the advertisement. Additionally, the proposal's elevated position would not interfere or block drivers' line of sight towards adjacent traffic signage, or from being able to observe vehicles indicating right onto Richborough Road.
16. Despite there being no objection to the proposal from the Council's Highway Section, the officers report considers that it would be a harmful distraction to

the safety of road users. However, conditions have been suggested by the appellant to control illumination levels, the frequency of display changes, interactive messages and special effects, and a night-time curfew. These measures should be sufficient so as not to confuse or distract drivers or be harmful to highway safety.

17. Taking the above factors into account, the appeal scheme would not have an unacceptable effect in terms of public safety, and insofar as it would relate to the development plan the proposal would accord with Policies A1, T1 and D4 of the Camden Local Plan 2017, where it requires proposals to have regard to transport impacts and public safety.

Other Matter

18. The Council's officer's report has referred to a case that was refused and later dismissed at appeal in 2013 for a non-illuminated hoarding at the side of No 60 Cricklewood Broadway. However, that case relates to a different site, while I have not been given the full details of the scheme. Accordingly, I am unable to draw any comparison between it and the appeal proposal. In any event, I have assessed this scheme on its individual merits.

Conditions

19. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG), revising where necessary to better reflect its requirements and guidance.
20. In the interests of highway safety and amenity, I consider that the conditions suggested regarding the intensity of the illumination; the minimum display time; the time of day they can be illuminated; special effects; the interval between images; and, a mechanism to freeze the image in the event of a malfunction are necessary. I have also imposed a night-time curfew condition to safeguard the living conditions of nearby residents. This will require the advertisement to be switched off between 00:00hrs and 05:00hrs.
21. I note the Council's suggestion that the advertisement should be switched off until 07:00hrs. However, the timeframe I have imposed, combined with the other conditions relating to the advertisement's display and its level of illumination, are sufficient to safeguard the residential amenities of nearby occupiers in this instance.

Conclusion

22. The proposed advertisement would not have a detrimental effect on the area's amenity and public safety. For the reasons set out above, and having regard to all other matters raised, the appeal is allowed.

R E Jones

INSPECTOR