



Appeal Decision

Site visit made on 21 November 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/X5210/H/22/3301283

335-337 Grays Inn Road, London WC1X 8PX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Euronet Worldwide against London Borough of Camden.
 - The application Ref 2022/1106/A is dated 8 February 2022.
The advertisement proposed was originally described as "*proposed installation of a Euronet NCR Self Serv 26 ATM through the far left glazed window as a through glass installation. NCR Self Serv 26 ATM fascia with blue surround and an illuminated blue and white ATM fascia sign with blue lettering "ATM" out of a white background*".
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Decision

1. The appeal is dismissed, and express consent is refused.

Preliminary Matters

2. The appellant submitted joint planning and advertisement applications to the Council for an ATM and associated signage. However, a valid appeal has only been made to the advertisement application. As such, my consideration and determination are solely based on the advertisements proposed and not the planning proposal for the ATM itself.
3. The appeal results from the Council's failure to determine the application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged.
4. The Council has provided me with various policies of the Camden Local Plan and guidance documents. However, the Council have not indicated how they would have determined the advertisement application had they been empowered to do so. Nonetheless, the power to control advertisements under the Regulations may be exercised only in the interests of public safety and amenity. Accordingly, this has informed the following main issues and, although I have taken the submitted policies and guidance into account, they have not been decisive in my determination.

Main Issues

5. The main issues in this appeal are the effect of the proposed advertisements on the visual amenity of the area and on public safety.

Reasons

6. The appeal property is a small retail unit along a busy commercial street. It lies within the Kings Cross Conservation Area (CA) and there are a range of listed buildings nearby, including Kings Cross Station (Grade I).
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'. The statutory duty under section 66(1) of the Act requiring decision makers to have special regard to preserving the setting of a listed building or any features of special architectural or historic interest, only applies to the consideration of whether to grant planning permission.
8. This part of Grays Inn Road is busy with traffic and pedestrians. The commercial units have a mix of advertisements with little consistency. This includes illuminated signs, fascia signs and projecting hanging signs in a variety of styles giving this part of the road a somewhat incoherent quality and a cluttered appearance.
9. The adjacent unit has an existing ATM with associated signage, and the illuminated strip that surround it, results in a distinctly vibrant feature, which adds to the visual clutter of the unit. The proposed signage would also include a lighting strip and the vibrancy of the illumination would add to the overall cluttered appearance of this part of the road particularly with the other ATM being so close. As such, the proposal would not preserve or enhance the character or appearance of the CA.
10. The proposed advertisements would appear visually striking, but they would not be unduly distracting for passing motorists. Nor would they significantly impede the flow of pedestrians. The advertisements would not obscure or hinder the ready interpretation of any traffic sign. Moreover, I have no evidence that they would likely hinder the operation of any device used for the purpose of security, surveillance or for measuring the speed of any vehicle.
11. I note that concerns have been raised regarding the potential for crime and disturbance. However, any such matters would be associated with the ATM, rather than the signage, and do not constitute a factor relevant to public safety as set down in Regulation 3(2)(b) of the Regulations.
12. To conclude, the proposed advertisements would not have a harmful effect on public safety. However, there would be a harmful effect on the visual amenity of the area. For these reasons, the appeal is dismissed, and express consent is refused.

Mr R Walker

INSPECTOR