



Appeal Decisions

Site visit made on 6 December 2022

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal A - Ref: APP/X5210/W/22/3298715

University College Hospital, 235 Euston Road, London NW1 2BU

- 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 Shoaib Shariff against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/2890/P, dated 14 June 2021, was refused by notice dated 16 March 2022.
 - The development proposed is described as 'installation of 5 air purifier units.'
-

Appeal B - Ref: APP/X5210/H/22/3298706

University College Hospital, 235 Euston Road, London NW1 2BU

- 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 Shoaib Shariff against the decision of the Council of the London Borough of Camden.
 - The application Ref 2021/0199/A, dated 15 January 2021, was refused by notice dated 16 March 2022.
 - The advertisement proposed is described as 'Advertising Screen with Integrated Air Purifiers.'
-

Decisions

1. Appeal A is allowed and planning permission is granted for installation of 5 air purifier units at University College Hospital, 235 Euston Road, London NW1 2BU in accordance with the terms of the application, Ref 2021/2890/P, dated 14 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the air purifying units only, shall be carried out in accordance with the following approved plans: Location Plan, Ref p2cuk/559356/757644; Podium Northwest Corner Vertical Section Feature Screen, Ref V250-3, Rev 02C (excluding the advertisement screen and ancillary equipment); Podium Northwest Corner Vertical Section Feature Screen, Ref V250, Rev 02C (excluding the advertisement screen and ancillary equipment).
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above, there are two appeals on the same site. I have considered each proposal on its own individual merits. However, the appellant has confirmed in writing that the air purifying units and advertisement screen are physically severable, despite being shown on the same plans. Therefore, to avoid duplication I have dealt with the two appeals in the same decision letter.
4. In respect of Appeal B only, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration though they have not, by themselves, been decisive in my determination.

Main Issues

5. The main issues are as follows:
 - For **Appeal A** – whether the proposal would contribute to climate change mitigation and air quality.
 - For **Appeal B** – the effect of the advertisement on the amenity of the area and public safety.

Reasons - Appeal A

6. The proposal seeks planning permission to install 5 air purifying units (APU) on the northwest elevation of University College Hospital. The facing wall currently includes a metal patterned fascia, or 'skin', which would be removed and replaced with a screen for the display of advertisements.
7. As shown on the submitted plans, the APUs would not be readily apparent beneath the advertisement screen. As such, the Council has not identified harm with regards to the character and appearance of the area, or any other harm, relating to the APUs in isolation. From my observations, their industrial, modern appearance would not be out of keeping with the design of the host building and given the size of the façade onto which they would be installed, their overall size would ensure they are not prominent in the area.
8. Although the reason for refusal states there is concern regarding the lack of supporting evidence, from my reading of the technical specifications and product information the technology has shown to improve air quality when used in an urban environment such as Eindhoven. Based on the evidence before me, I have no reason to doubt the effectiveness of the units, particularly when there is no harm identified to the contrary and the benefits to the implementation of the technology would improve air quality in an Air Quality Management Area (AQMA).
9. Accordingly, based on the evidence before me, the proposal would accord with Policies CC1, CC2 and CC4 of the Camden Local Plan (LP) (2017) which seek, among other things, to ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough.

Reasons – Appeal B

Amenity

10. The appeal site is located in a predominantly commercial area with tall buildings and heavily trafficked road network which, along with heavy pedestrian flow, creates a somewhat busy urban character. There are some existing advertisements in the area, including two existing screens installed above the Euston underpass in either direction. However, for a busy commercial area, other signage is generally concentrated at street level, above shops or commercial units, with larger scale buildings, such as office buildings and the upper floors of the adjacent hospital structure generally devoid of similar displays.
11. The corner elevation of the host building is very prominent in the local area. The proposed advertisement would be highly visible to motorists and pedestrians given its elevated position. In the context of the area, the addition of such a large, illuminated screen would be dominant in the context of the existing character of the area. This would result in a visually incongruous feature that would stand out from other more modest signage in the area. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area.
12. The appellant has proposed conditions to control the level of illumination to best practice guidelines published by OUTSMART and the instant transition times of adverts. However, due to the above reasons this would not be sufficient to mitigate the harm I have identified. My attention is also drawn to an example of a more transparent screen installed by the appellant at another location as well as adverts at the Now Building. However, the former appears to be within a shopping centre while the latter has a much different character to that of the vicinity of the appeal site. Moreover, both appear to have a plethora of other advertisements nearby. As such the circumstances are not comparable to the proposal before me.
13. To conclude on this main issue, the proposal would harm the amenity of the area. Whilst not decisive, in accordance with the Regulations I have taken into account Policies D1, D2 and D4 of the Camden Local Plan (LP) (2017), which seek to ensure advertisements preserve the character and amenity of the area. In addition to that I have also had regard to the Framework which notes at paragraph 136 that the quality and character of places can suffer where advertisements are poorly sited and designed. The proposal would be contrary to these policies and guidance.

Public Safety

14. The Planning Practice Guidance (PPG) advises that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

15. The façade of the appeal building upon which the advertisement would be erected faces Euston Road, Hampstead Road and Tottenham Court Road, while an underpass runs beneath the immediate stretch of Euston Road. I observed on the site visit that the road network was heavily trafficked even at the mid-afternoon hour, while there were numerous pedestrian-controlled crossings nearby. As a result, drivers would need to pay particular attention to responding to traffic lights at these locations.
16. My attention is drawn to guidance from Transport for London (TfL) in the document Guidance for Digital Roadside Advertising and Proposed Best Practice which advises that adverts in proximity to pedestrian crossings require detailed analysis to ensure that no conflict occurs, while also stating advertisement units will not be permitted if proposed to be installed within 20m of a pedestrian crossing.
17. From my observations on the site visit there are three pedestrian controlled crossings within close proximity to the proposed advertisement display. As a result of its size and elevated position on the host building, the advertisement would be clearly visible to drivers approaching these crossings. At this point, drivers would need to be aware of the upcoming traffic lights, the pedestrian crossings and cyclists. The proposal would cause a significant distraction as a result of its prominence and changing displays which, in the context of its surroundings, would create an unacceptable danger to public safety.
18. While I have had regard to the appellant's Highway Statement (Bellamy Roberts – Ref ITR/5522/HS.2) and Addendum Report (Bellamy Roberts – Ref ITR/5522/AR.2), neither of these documents provide detailed analysis on the collision risk to pedestrians. As such, the detailed analysis is lacking as per the TfL guidance, and I therefore share the concerns of the Council in this respect.
19. In views from the east when travelling along Euston Road, the display would be seen behind the existing display above the entrance to the underpass. This would compound the potential visual confusion and distraction when approaching the pedestrian crossing to this side. Although further from the appeal site than the three crossings I have already referenced, the TfL guidance states that drivers should only see the details of a roadside digital advertisement on one screen, or a pair of synchronised screens, at a time. This is to ensure that multiple images do not change at different times, which can add to driver distraction. Given the two screens would be independently operated, the intermittent changing of the display could occur at irregular intervals, compounding the potential distraction.
20. I have had further regard to the appellants addendum, which advises there have been no fatal collisions in the area over a five-year period. However, despite the recent changes to the road layout, the data indicates that there have been 51 accidents, 11 of which were classified as serious. To my mind, this rate of accidents could potentially increase with the additional consideration of the advertisement display as a feature in the road network and as such, this would harm public safety as it relates to matters of highway and pedestrian safety.
21. To conclude, the proposal would be harmful to public safety. Whilst not decisive, in accordance with the Regulations I have taken into account Policies A1, T1 and D4 of the LP, which seek to ensure advertisements will not impact upon public safety while also resisting development that fails to adequately

assess and address transport impacts affecting the existing transport network, among other things.

Other Matters

22. Although I take on board the appellant's frustrations with the Council's handling of the applications, this is not a matter for me to deal with within an appeal scenario.
23. The boundaries of the Fitzroy Square Conservation Area (FSCA) and Bloomsbury Conservation Area (BCA) are evidently located close to the appeal site, and the reason for refusal in the decision notice references harm to their respective settings. I have been provided with the management strategies for both, although I do not have a plan of either to indicate how they are physically related to the appeal site. There is also little explanation regarding why the proposal would harm either setting and as such, given I am dismissing the appeal on other matters, I have not considered these matters further.
24. The appellant has drawn my attention to the benefits of the advert, such as displaying NHS and Council messages, revenue generation and the contribution advertising makes to the economy as a whole. While these are worthy of positive weigh in favour of the scheme, these matters would not outweigh the harm that I have identified to the amenity of the area and public safety. Moreover, the Regulations require that I exercise my powers only with regard to amenity and public safety albeit these benefits may be proffered as other relevant factors.

Conditions

25. With regards to Appeal A only, the Council has not submitted any suggested conditions as it relates to the APUs. However, conditions are necessary to specify the commencement of development. The appellant has confirmed via writing that the two proposals are physically severable from one another, although the APUs have been included on drawings which include the advertisement screen. Therefore, a further condition specifying the approved plans is necessary for the avoidance of doubt and relate only to the installation of the APUs, with the advertisement screen omitted.

Conclusion

26. For the reasons given above and having had regard to all other matters raised, Appeal A is allowed, and Appeal B is dismissed.

C McDonagh

INSPECTOR