

GROUNDS OF APPEAL

The appeal site

The site is the station bridge boundary wall at Kentish Town Road by Kentish Town Station.

The site is not a heritage asset or positioned within a conservation area.

The location is a generally busy and vibrant main road location by a transport hub and busy shopping area.

There are other much larger freestanding billboards within the immediate locality which emphasise the commercial profile of the location.

The proposal

The application proposes the retention of the poster display board which acts like a billboard displaying 4-sheet posters with community information.

This is a wall-mounted timber poster board displaying 4-sheet community posters measuring 1.7m high x 6.2m wide.

The poster board is non-illuminated.



The refusal

There is a single reason for refusal as follows,

Reason(s) for Refusal

- 1 The proposed advertisement, by reason of its size and location, would result in prominent and incongruous visual clutter which would cause harm to the character and appearance of railway bridge wall, streetscene and wider area, contrary to policies D1 (Design) and D4 (Advertisements) of the London Borough of Camden Local Plan 2017 and policy D3 of Kentish Town Neighbourhood Plan 2015.

National advertising policy guidance

National guidance on advertising is contained within the following documents,

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- National Planning Practice Guidance
- The National Planning Policy Framework

Planning Practice Guidance advises that the display of advertisements is subject to a separate consent process within the planning system which is principally set out in the ***Town and Country Planning (Control of Advertisements) (England) Regulations 2007*** (The Regulations), confirming as follows,

‘Adverts are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission.’

The Regulations require *‘Powers to be exercised in the interests of amenity and public safety’*, taking into account the development plan so far as material and any other relevant factors.

In relation to factors relevant to amenity, The Regulations states that,

“Factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.”

Main issues

Visual amenity

The council suggest in its reason for refusal that due to its size and location the poster board would be prominent and incongruous in the streetscene and wider area.

However, in terms of visual amenity this is a small non-illuminated poster board positioned on an expanse of railway bridge wall fronting a busy roadside within a busy shopping area.

It is located within a busy commercial area centred on the station and local shopping area.

It is positioned at street level whether other shop fronts and displays and commercial premises and advertising is located and not at a high level.

The board is small scale and non- illuminated positioned on a substantial brick wall.

It is neatly and symmetrically displayed and without any illumination which would give it undue prominence.

It is suggested that passers- by would not be offended by the retention of this poster board displaying local community information.

These types of small scale poster sites play an important role in the delivery of community messaging and community support for the arts and culture and local businesses. As we come out of lockdown local businesses, arts and culture are going to need support and advertising of this kind is essential to assist the revitalisation of the economy and local businesses as well as arts and culture through community messaging of this kind.

The board is positioned at ground level which is the level where other commercial elements are located.

The poster board does not cut across any architectural features of the wall.

The poster board is not of excessive size and is in keeping with the scale of the host wall.

It is unlit and thus not overdominant.

A small controlled billposting station of this kind helps to control uncontrolled flyposting within the area.

The poster board appears as a small incidental feature within the street scene within a busy and vibrant location.

Its range of visibility and impact within the street scene is limited and well-contained to its immediate setting.

It adds some colour and interest without causing harm to visual amenity.

Given its limited size, nature and location is not considered to harm the amenity of the area.

The poster board does not have a long range of visibility or intrude on the wider area as the council refusal suggests. It is positioned within a shopping context and contained within one so that where it is located and from where it will be seen is entirely commercial.

It does not harm or obstruct any local or key views and is seen as an incidental feature as part of a busy urban area.

Council development plan policies

Section 38 of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement applications and appeals, since there is no requirement in the Advertisements Regulations for regard to be had to the development plan in reaching a decision. As required by the Regulations (and confirmed in paragraph 136 of the NPPF), it is the advertisement's impact on amenity and public safety which must be decisive, with local planning policies being only taken into account as a material factor.

Council policies cannot cover every situation and greater weight should be attributed to site specific amenity circumstances and I have set out above the specific amenity issues which are considered to be relevant in this appeal along with national policy.