The Planning Inspectorate

Appeal Decision

Site visit made on 14 February 2017

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/Y5420/Z/16/3162370
Outside No. 111-117, Muswell Hill Road, London, N10 3HS

- 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 JC Decaux UK Ltd against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2016/2558, dated 24 March 2016, was refused by notice dated 26 September 2016.
- The proposal is the display of a double-sided freestanding forum structure, featuring 2 x Digital 84" screen positioned back to back.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I use the Council's description above; it is more concise than the Appellant's.

3. The Appellant's description which follows does however provide useful information relating to the scheme: "Double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via secure remote connection. In the event of an emergency, TfL will be able to override the advertisement function and display an 'Emergency Message', alerting the public of immediate danger."

Main Issue

4. The main issue is the effect of the proposal on amenity.

Reasons

5. The Council refers to development plan policies. The Regulations require that decisions be made only in interests of amenity and public safety. Therefore the development plan policies alone cannot be decisive, but I have taken them into account as material considerations.

Amenity

6. The proposal is as described above and would effectively form the end panel for a bus stop shelter and would replace an existing frame which appears to have backlit and rolling advertisement sheets. The display would be at right angles to a busy main road towards an edge of the commercial centre of Muswell Hill. This locality is part of the extensive Muswell Hill Conservation Area. The forum structure would be positioned a little under 10 metres in front

of an attractive 1930's style parade of shops. The facing side of the street is occupied by the visually pleasing St James Church.

7. Whilst the site is within a commercial area of Muswell Hill, with a proximate wide range of retail and other services, the streetscene is remarkably restrained. The sense of restraint is evident through the limited commercial advertisements found locally, wide open paving, modest road signage, black painted and discreet street lights and street furniture, and an unusual quality and quantity of soft landscape in planted street-side beds. My concern is that the proposed digital display would appear out of kilter, cluttering in the street and unduly dominant in this pleasing and visually relatively calm scene. This would be markedly more so than the current lower key arrangement. The display would become an incongruous eye-catching centrepiece and detract from the amenity of these surrounds.

8. I am also mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This sets out the need for special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. As representations effectively highlight, the proposal would fail to do this and this adds to my concerns expressed above. The scheme would be ill at ease relative to the busy but calm aesthetic quality of this locality and its digital illumination would be alien in this position. The display would impinge upon the conservation area.

9. In summary, I consider that because of its prominent location and form of illumination the proposal would result in harmful visual impact on the streetscene. The proposal would be jarring on the eye; it would have unacceptable adverse impact upon the character and appearance of the locality and intrude upon amenity.

Other matters

10. I have considered both the National Planning Policy Framework and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement, support for innovative design and advertisements potentially being more favoured in commercial areas. I agree with the Appellant that schemes such as this should not be taken to be automatically ruled out of CAs. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described.

11. I do appreciate the economic gains to TfL and hence through this and information being available to travellers the social benefits which would accrue. I recognise that the structure should be more energy efficient than the current arrangement and that sizing of the display would remain unchanged. I note that light limitations would be possible and night time illumination could be reduced. I acknowledge that the Appellant offers a number of controlling conditions albeit to my mind they would not provide sufficient mitigation.

12. I have carefully considered all the points raised by the Appellant. However these matters do not outweigh the concerns which I have in respect of the main issue identified above.

Overall conclusion

13. For the reasons given above I conclude that the proposal would be unduly detrimental to amenity. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR