

Appeal Decision

Site visit made on 7 February 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 13 March 2017

Appeal Ref: APP/X5990/Z/16/3163539

Beverly House, Park Road, London NW8 7JD

- 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 Andrew Jordan (JCDecaux UK Ltd) against the decision of City of Westminster Council.
 - The application Ref 16/07315/ADV, dated 1 August 2016, was refused by notice dated 27 September 2016.
 - The advertisement proposed is described as 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.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Two of the documents submitted with the appeal are labelled with a different site address to the appeal site. However notwithstanding this I am satisfied that sufficient information has been submitted with the appeal in order for me to properly assess the proposal.
3. During the course of the application the lighting level of the advertisement was clarified by the appellant in a letter to the Council dated 12 November 2015. I have been provided with a copy of the letter and have had regard to it in reaching my decision. I also note that in the Statement of Case the appellant has confirmed that the advertisement would not feature any flashing or intermittent lighting effect or animation.

Main Issue

4. The main issue is the effect of the proposed advertisement on the character and appearance of the area.

Reasons

5. The appeal site comprises an existing bus shelter located adjacent to Park Road. The shelter is a predominantly glazed and open structure with a non-illuminated transport information panel located centrally in the back of the shelter. At the time of my visit there were no existing advertisements on the
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bus shelter or within the immediate surrounding area on Park Road with the exception of two non-illuminated advertisement panels on a bus shelter on the opposite side of the road.

6. Though Park Road is a busy main road, it is wide and there are a number of roadside trees on this particular part of the road. This together with mature trees located in an open area on the opposite side of the road and an absence of overtly commercial premises nearby gives the area an open and verdant character. The appeal site is located opposite the Regent's Park Conservation Area and there are a number of listed buildings located further along Park Road.
7. The proposed double-sided, internally illuminated advertisement would form one of the end panels of the bus shelter and would be sited perpendicular to the road. The visible screen area would measure 1.9m² each side. Though the advertisement would be capable of displaying moving images, the appellant has confirmed that it would display static images only and this matter is capable of being controlled by a suitably worded condition as is the level of illumination. However notwithstanding this, the appeal site is not located in a commercial area where illuminated advertisements are commonplace. Rather as stated, the surrounding area has an open and verdant character despite being in a busy, urban location. Consequently the proposed advertisement would be an intrusive and incongruous addition which would be harmful to the character and appearance of the area.
8. In reaching my decision I have had regard to Policy S25 of the Westminster City Plan and policies DES1 and DES8 of the City of Westminster Unitary Development Plan which seek, amongst other things, to ensure that development including advertisements are well designed, conserve heritage assets and are sensitively located in the streetscene and so are material in this case. Given that I have concluded that the proposed advertisement would be harmful to the amenity of the area, the proposal conflicts with these policies. I have also had regard to relevant paragraphs of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. However for the reasons stated above, the proposed advertisement would be harmful.

Other Matters

9. I note that the proposed advertisement has the capability to be used for the display of an emergency message to alert the public of immediate danger. However whilst this would be a benefit associated with the proposal, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 67 of the Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety, with public safety considerations including the safety of any persons using a highway. Even if it could successfully be argued that the display of an emergency message is a public safety consideration, the public safety benefit would not outweigh the harm to amenity identified.
10. I also note that the proposed advertisement would be incorporated within a new bus shelter structure with improved seating, better information and options for new technologies including energy efficiency and that the advertisement would help TfL to generate income for re-investment in the network. However as stated, these are not matters for me in determining the appeal as I must focus solely on matters of amenity and public safety.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR