

Appeal Decision

Site visit made on 28 March 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/X5210/Z/17/3169021

Bus shelter outside 66 Cricklewood Broadway, London NW2 3EP

- 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 Ms Joanna Kujawska (JC Decaux UK Ltd) against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/2367/A, dated 16 March 2016, was refused by notice dated 19 January 2017.
 - 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 allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and are subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.
 - 2) No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
 - 3) The minimum time between successive displayed images shall be 10 seconds.
 - 4) The sequencing of messages relating to the same product is prohibited.
 - 5) The intensity of the illuminance of the advertisement shall be no greater than 500Cdm² during hours of darkness.
 - 6) The footway and carriageway on the TLRN and SRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
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Preliminary matters

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
3. The Council's decision notice describes the site address as Bus shelter outside 64 Cricklewood Broadway. However for consistency I have used the address from the appellant's original application and appeal forms, which is 66 Cricklewood Broadway.

Main issue

4. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

5. The proposal is as described above and would effectively form the end panel within the framework of an existing bus shelter, which currently has one information panel with no advertising panels.
6. The appeal site is located on the footway adjacent to 66 Cricklewood Broadway, with the Victorian shopping parade at 62-80 Cricklewood Broadway providing a uniform terrace to this side of the street.
7. Cricklewood Broadway is commercial in nature and a key route into the city. The parade has a wide range of shops, restaurants and other services displaying adverts at street level with residential accommodation generally located in the upper floors. The character of the street scene is vibrant and busy. However, whilst I accept that the proposed digital display unit would be visible due to the size, location and illumination and its forward position on the footway due to the linear nature of the street; it would not appear incongruous in this busy urban setting. This is due to the digital display unit being contained within the frame and footprint of the existing bus stop shelter; and as such it would not appear dominant or obtrusive in this site specific context. Furthermore the proposal would not materially harm the setting of the Victorian shopping parade (62-80 Cricklewood Broadway).
8. Having come to the conclusions above, the digital display unit in this site specific location would not materially harm the amenity of the area.

Other considerations

9. The Council within their officer's report have referred to a number of other appeal decisions for similar schemes in Camden and cite these in support of their decision. However, I have limited information about their histories, but inevitably their contexts would differ from that of the scheme before me, and so they do not lead me to a different view in this case.

Conditions

10. Various conditions have been suggested by the appellant; I consider that the brightness of the displays, the frequency with which adverts would change, the method of change between adverts, the sequence of successive images, and the display of moving images would all have the potential to cause driver distraction and have a detrimental effect on the safe use of the highway. I have therefore imposed conditions in order to control these aspects of the proposal, albeit modified for clarity and precision.
11. The appellant suggests the luminance of the advertisements will be under 500Cdm² during the hours of darkness, but suggests a condition restricting the luminance to 600Cdm². None of the parties have suggested a condition limiting the luminance during daylight hours. Thus, in my judgement, controlling the luminance to 500Cdm² during darkness is necessary in the interest of public safety.

Conclusion

12. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR