The Planning Inspectorate

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/17/3169017
Bus Shelter advertisement opposite 97-99 Gower Street, London WC1E 7JG

- 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 2016/4259/A, dated 1 August 2016, was refused by notice dated 24 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'.

Decision

1. The appeal is dismissed.

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.

Main issues

3. The main issues in the appeal are:

   - the effect of the proposed advertisement on the amenity of the area; and
   - the effect of the proposed advertisement on public safety.

Reasons

Amenity

4. The proposal is as described above and would effectively form the end panel within the framework of an existing bus shelter. The appeal site is located on the footway at a prominent and busy location within the Bloomsbury Conservation Area; opposite the Grade II listed terrace 99-113 Gower Street.

These heritage features make a significant contribution to the amenity of the area.

5. I am therefore mindful of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out the need to have special regard to the desirability of preserving the setting of a listed building and that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. Although a busy thoroughfare, the street scene around the appeal site is largely restrained with very little in the way of advertising. Furthermore, there is limited highway clutter, so the appeal site is highly visible when approaching from the direction of Euston Road. Whilst I accept that the bus shelter already has two information panels, the introduction of the proposed digital display unit would by way of its size; illumination and orientation appear visually intrusive in the context of a restrained and largely uncluttered street scene. Consequently, the proposed advertisement would appear incongruous when viewed against the prevailing character and appearance of the Bloomsbury Conservation Area and would impinge on the setting of the Grade II listed terrace which contributes significantly to the amenity of the area.

7. Having come to the conclusions above, the proposed digital display unit in this site specific location would result in material harm to the amenity of the area.

Public safety

8. Digital displays of the size and form proposed are commonly experienced in an urban/city transport network. Consequently, having regard to the Planning Practice Guidance, they are not of an 'unusual nature' and thereby unlikely to be a distraction to road users in that respect. However, based on my observations and the evidence before me, the introduction of the advert in this site specific location would unacceptably reduce the useable width of the footway with the potential for pedestrians to be forced into the highway to avoid congestion. Moreover, any material reduction in the useable width of the footway at this site specific location would be likely to result in discomfort for people with mobility difficulties or parents with children in pushchairs or buggies. Consequently, the proposal would be likely to result in material harm to the safe and free flow of pedestrians at this busy urban location.

9. Having reached the conclusions above, the proposed advertisement would result in material harm to public safety.

Other considerations

10. I have considered both the National Planning Policy Framework (the 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 Conservation Areas. 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 have considered the economic benefits to Transport for London and the potential to provide information to travellers and the potential social benefits

associated with this. I accept that limitations in relation to brightness 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 amenity.

Conclusion

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

Jameson Bridgwater

INSPECTOR