

Appeal Decision

Site visit made on 21 April 2017

by **R J Maile BSc FRICS**

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

Decision date: 5 May 2017

Appeal Ref: APP/X5210/Z/17/3170788

Public Footway outside 68-69 Hampstead High Street, London, NW3 1QP.

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Camden.
 - The application ref: 2016/2374/A, dated 16 March 2016, was refused by notice dated 10 January 2017.
 - The advertisement proposed is: "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.

Main Issue

2. The main issue here is the effect of the proposed advertisement upon amenity.

Reasons

3. The appeal site comprises an existing 'bus shelter located on the public footway in front of the Waterstones Bookshop on the southwest side of Hampstead High Street. It is within the Hampstead Conservation Area, where illuminated shop signs are, I understand, controlled by virtue of an Article 4 Direction. The site is adjacent to Grade II listed buildings at 70-71, 72 and 73-76 High Street. There are residential uses nearby, including apartments over several of the adjacent shops.
4. The parties have drawn attention to Development Plan policies, national policy in the Framework¹ and to the Government's Planning Practice Guidance which they consider are relevant to this appeal. These policies and guidance have been taken into account so far as they are material to my consideration of this appeal.

¹ The National Planning Policy Framework.

5. The importance of heritage assets is recognised by Policy CS14 of the Core Strategy², which seeks to conserve our heritage. Policy DP25 of the Camden Development Policies³ specifically relates to the protection of Camden's heritage, including conservation areas and listed buildings. This latter policy states, amongst other matters, that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area and does not cause harm to the setting of a listed building.
6. Given its location within a conservation area and adjacent to listed buildings I have considered the proposal by reference to the statutory duty imposed upon me by virtue of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have also had regard to national policy set out at Chapter 12 (*Conserving and enhancing the historic environment*) of the Framework and paragraph 67, which relates to the control of advertisements.
7. The High Street and the setting of the adjacent listed buildings represent an important heritage asset and paragraph 132 of the Framework requires me to give great weight to its conservation. Although it is a commercial area the quality of its listed buildings, the presence of mature trees to the southeast and the restrained nature of the shop fronts, where I understand illuminated signs are controlled by an Article 4 Direction, create an attractive and low-key shopping environment.
8. The introduction of even the small screens on the northwest side of the shelter, with their moving images, would be at odds within such a setting and wholly out of keeping with the sensitive and historic nature of adjacent listed buildings and the wider conservation area.
9. I therefore find upon the main issue that the proposed advertisement would fail to preserve or enhance the character or appearance of the Hampstead Conservation Area and the setting of the adjacent listed buildings and would be harmful to the visual amenity of the area. As such, the proposal would conflict with the relevant policies and guidance to which I have referred above.

Conclusion

10. I have noted the suggested benefits of the advertisement as identified by the appellant. These include, amongst other matters, the revenue generation for re-investment in transport infrastructure and the ability to display public information. Nevertheless, advertisements are subject to control only in the interests of amenity and public safety. The harm I have identified to the visual amenity of the area is a compelling and overriding consideration in this case.
11. I therefore conclude, for the reasons given above, that the appeal should be dismissed.

R. J. Maile

INSPECTOR

² The London Borough of Camden Local Development Framework: Core Strategy 2010-2025.

³ The London Borough of Camden Local Development Framework: Camden Development Policies 2010-2025.