The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2017

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 25 May 2017

Appeal Ref: APP/K5030/Z/16/3156776
o/s Greyfriars Churchyard, Newgate Street, London EC1A 1HQ

- 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 City of London Council.
- The application Ref 16/00156/ADVT, dated 22 February 2016 was refused by notice dated 14 July 2016
- The advertisement proposed is an internally illuminated advertisement on a bus shelter

Decision

1. The appeal is dismissed.

Main issues

2. The effect of the proposed advertisement on the visual amenity of the area and its impact on public safety.

Reasons

3. The internally illuminated double sided LCD screen advertisement would be a freestanding but integral part of a new bus shelter, replacing the existing roadside shelter on the wide pavement on the northern side of Newgate Street. The site lies within the Postman's Park Conservation Area and is adjacent to the Newgate Conservation Area. It is within the shared setting of the immediately adjacent Christchurch Greyfriars Churchyard, a Scheduled Ancient Monument (SAM), the grade I listed Christchurch Greyfriars and the grade ll listed 15 Old Bailey.

4. The churchyard SAM, planted as a garden retreat, lies just behind the site and has a quiet dignity. The shared setting of the SAM and important listed buildings within the conservation area contributes much to its distinctive character and cultural significance as a designated heritage asset. Altogether this means that the site is in a very sensitive location.

5. I saw that there are few advertisements of any sort in the local area. The large illuminated advertisement screen would occupy the full height and width of the bus shelter. It would be a particularly noticeable and incongruous feature in this highly valued townscape and would be an unwarranted distraction to the peace and quiet of the graveyard. It would make a very apparent and unacceptable visual intrusion into the street scene, with its size and nature causing harm to the distinct historic, architectural and cultural characteristics of the area. In the terms of Framework 67, this is a poor place for such an

advertisement since it would have a particularly negative impact on the appearance of the built environment.

6. With regard to public safety, the advertisement would be no wider than the existing shelter structure so that it would not particularly affect the free flow of pedestrians along the wide pavement. While the advertisement structure would be opaque, resulting in the loss of some degree of natural surveillance from one direction, the shelter would be open in other directions so that it would not hamper the safe passage of pedestrians.

7. The screens would show a range of displays in sequence and also appear to be capable of showing moving images. To avoid being overly eye-catching to drivers, the images should remain static for reasonably long periods and change quickly, while moving images at the roadside would be particularly distracting and dangerous. That could be controlled by condition and, subject to that condition, I consider that the advertisement would not be a danger to highway users.

8. While I find the proposal would result in no detriment to public safety, the proposal would conflict with the Council's policies aimed at controlling advertisements and protecting heritage assets. It would not preserve the character and appearance of the conservation area or the setting of the SAM and listed buildings. While there would be some associated public benefits, they would be nowhere near sufficient to justify the harm identified to heritage assets.

9. This is a major consideration which far outweighs the acceptability of the proposal in terms of its impact on public safety. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of visual amenity and, on balance, should not be granted consent.

Colin Ball

Inspector