
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: 26 May 2017

Appeal Ref: APP/K5030/Z/16/3157281
o/s 143-171 Moorgate, London EC2M 6XQ

- 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 16/00262/ADVT, dated 16 March 2016, was refused by notice dated 19 August 2016.
 - The advertisement proposed is an internally illuminated advertisement on a bus shelter.
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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, of a high standard of design. It would replace the existing roadside shelter on the pavement outside a modern office block on the western side of Moorgate. The site is adjacent to, but outside, the Finsbury Circus Conservation Area. I saw that the site currently makes no positive contribution to the setting of the conservation area.
 4. To the east, across the wide carriageway, lie the grade II* listed Britannic House and the grade II listed Electra House, with the grade II listed Moorgate Station nearby. The site lies within the shared street setting of these listed buildings but, because of its location on the roadside adjacent to a chain retail outlet within a modern block, and its distance from the listed buildings, it makes no real contribution to the quality of their setting or to their significance as heritage assets.
 5. The immediate neighbourhood of the site is characterised by modern retail/commercial development alongside a busy commercial thoroughfare, with a variety of shop fascias, signs and street furniture. I consider that the proposed advertisement would be in scale and in keeping with these characteristics, so that it would not be out of place in its surroundings. It would not therefore be prominent in views from the conservation area or harm the significance of the listed buildings.
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6. The maximum level of illuminance indicated would be more than twice the level recommended by the Institute of Lighting Professionals (ILP). That level of brightness could make the advertisement overly dominant within the street scene. However, the level of brightness could be limited by condition to meet ILP standards and, with that in mind, I do not consider that the advertisement would be so obtrusive or predominant in this particular location that it would undermine the restrained and dignified character of the City.
7. With regard to public safety, the pavement at this point is relatively narrow. Particularly because of its proximity to the station, it is heavily used. The existing shelter has no side screens so that pedestrian progress along the pavement is relatively unimpeded. The incorporation of a full width advertisement screen at the northern end of the replacement shelter would reduce the pavement width at this point to about 2.3 metres. Bearing in mind the likely increase in pedestrian activity with the arrival of Crossrail, this narrowing of the available footway would significantly impede pedestrian flow.
8. The shelter would be set back 0.6 m from the edge of the road. Pedestrian congestion and the barrier formed by the advertisement screen could encourage pedestrians to either cross the busy road, risking conflict with high volumes of traffic, or to use the 0.6 gap between the shelter and the road, bringing them into conflict with buses and cyclists close to the kerb. I consider that the proposal would result in a significant impediment to pedestrian movement, reducing capacity around an important transport node, resulting in a clear threat to public safety.
9. While I find that the proposal would not result in harm to the nearby heritage assets, it would conflict with the Council's Local Plan policies intended to protect public safety and to improve conditions for safe and convenient walking. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of public safety and, on balance, should not be granted consent.

Colin Ball

Inspector