

Appeal Decision

Site visit made on 13 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/X5210/Z/17/3171245

30 Hampstead High Street, London NW3 1QA

- 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 Mr Mohamed Ahmed, JCDecaux UK Ltd, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/2375/A, dated 16 March 2016, was refused by notice dated 10 January 2017.
 - The advertisement proposed is described as a "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 dismissed.

Preliminary matters

2. The Council refer to various policies in its adopted Development Plan. The Regulations require that decisions on advertisement applications and appeals be made only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. I have therefore taken the policies into account on this basis.

Main Issue

3. The main issue is the effect of the proposed advertisements upon the visual amenity of the area.

Reasons

4. The existing bus shelter is positioned on a wide part of the footway in front of Nos 29 and 30 Hampstead High Street, which are Grade II listed buildings within the Hampstead Conservation Area. It is therefore necessary to have special regard to the desirability of preserving the setting of the listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
 5. Whilst the site is within a high street location, with a wide range of retail and other services as a backdrop, the existing commercial signage is in the main very restrained with limited illumination, thereby reflecting their Conservation Area position. There is also an appreciable restraint in terms of the public
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realm with a minimal level of fixed signage and attractive and discreet black painted street furniture along with mature street trees. These attributes positively contribute to the character and appearance of the Conservation Area and maintains the visual focus upon the high quality of the surrounding buildings.

6. Save for two information panels, the upper part of the existing bus shelter, including both ends, is largely transparent thereby allowing views through it. There is also a muted colour to the frame and lower panels. Therefore, although occupying a relatively prominent position well forward the building line, it remains a relatively recessive feature between two street trees. As such it does not detract from the high quality public realm or materially influence the visual amenity of the area.
7. The proposed advertisement display would comprise a double sided digital display unit at one end of a new bus shelter. It would be materially wider than the existing end panel it would replace and therefore result in a more solid and imposing presence within the street scene. Unlike the restrained shop front signage which is set back in the street scene, the proposed display unit would occupy a prominent forward position and despite the busy high street location it would appear as a discordant and unduly dominant feature. It would be ill at ease within the context of this high quality townscape and its digital illumination alien would appear alien. Attention would also be unreasonably drawn from the elevational qualities of the above referenced listed buildings, thereby impinging on their setting and failing to preserve or enhance the character or appearance of the Conservation Area.
8. I have considered the conditions suggested by the appellant, including the possibility of limiting the night time luminance level to 300Cdm². However, in this case I am not persuaded that the harm I have found would be acceptably overcome.
9. For these reasons the proposal would have an unacceptably harmful effect on the visual amenity of the area.
10. The proposal would therefore be contrary to Policies CS5 and CS14 of the Local Development Framework Core Strategy and Policy DP25 of the Local Development Framework Development Policies (DP), which seek, amongst other matters, to preserve and enhance Camden's rich and diverse heritage assets and their settings. The Council's reason for refusal also refers to DP Policy DP24, however, this relates to quality design in developments rather than advertisements.

Other matters

11. The proposal forms part of a London wide programme by Transport for London to improve public transport provision by the upgrading and replacement of existing shelters. In this regard, I acknowledge that the modern design shelter would provide improved seating, better information display as well as the ability to override the advertisement function to display emergency messaging in the event of major incidents. The shelter design also features integrated stop identification information and other technologies, including CCTV and Wi-Fi connectivity. However, advertisements are subject to control only in the interests of amenity and public safety. My conclusion on the former is determinative.

Conclusion

12. Thus for the reasons given above, and having considered all other matters raised, I conclude that the proposal is unacceptable on visual amenity grounds and that the appeal should be dismissed.

Richard S Jones

INSPECTOR