
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/17/3171284
Unit 2, 5 York Way, London N1C 4AJ

- 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 2016/2455/A, dated 16 March 2016, was refused by notice dated 24 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.

Main Issues

2. The main issues in this case are the effect of the proposed advertisements upon the visual amenity of the area and highway safety.

Reasons

3. The Council's reasons for refusal refer to Local Development Framework Core Strategy (CS) Policy CS5 (managing the impact of growth on development) and Local Development Framework Development Policies (DP) Policy DP24 (securing high quality design). However, the regulations to control advertisements require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been a decisive consideration in my determination of this appeal.

Visual amenity

4. The existing bus shelter is positioned on the footway outside No 5 York Way, which is an eight storey mixed use building with double height ground floor offices. The footway is wide at this point and is finished in attractive paving slabs with contrasting finishes around the street trees and cycle stands.
 5. The bus shelter is a visually lightweight structure which, save for two information panels, is largely transparent thereby allowing views through it. Therefore, although occupying a relatively prominent position well forward the
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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.

6. The proposed advertisement display would comprise a double sided digital display unit at one end of the 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.
7. The proposal would also be out of character with this street scene where there is a scarcity of advertisements. Consequently it would amount to an unduly dominant and eye-catching feature. I acknowledge that the advertisements would not display moving content and that the lighting levels are capable of adjusting to ambient lighting levels and of being programmed to reduce during the hours of darkness. Nevertheless, its digital illumination would appear incongruous within the relatively calm aesthetic quality of this locality and I do not consider that this harm could be acceptably overcome by the use of conditions as suggested.
8. I therefore find that the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area.

Highway safety

9. As noted above, the existing structure is visually permeable. The proposed panel would result in a more solid structure at one end and this would reduce visibility. The Council's concern relates to the protection of pedestrians and cyclists.
10. However, cyclists coming onto the York Way cycle lane from Stable Street would be directed to the dropped kerb to the north-west. From this point, due partly to the alignment of York Way, visibility and sight lines would not be significantly reduced. Nor would visibility be significantly reduced for pedestrians at the crossing close to the junction with Canal Reach.
11. I do not therefore find that the proposal would unacceptably harm highway safety and would not conflict with DP Policy DP21, which amongst other matters, seeks to avoid the same.

Other matters

12. I have noted the suggested benefits of the advertisement as identified by the appellant. These include 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. My conclusion upon the former is determinative.

Conclusion

13. 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 the appeal should be dismissed.

Richard S Jones

INSPECTOR