

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/17/3171242
64 Heath Street, London, NW3 1DN

- 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 2016/2373/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.

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 Issues

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

Reasons

Visual amenity

4. The appeal site comprises part of the wide footway in front of Nos 64 and 66 Heath Street, within the Hampstead Conservation Area. No. 64 is identified as a building which makes a positive contribution to the Conservation Area whilst Nos 66 - 76 and 75 - 89 Heath Street are Grade II listed buildings. 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.
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5. Although located within a town centre setting, the existing commercial signage is in the main restrained with limited illumination, thereby reflecting its Conservation Area setting. There is also an appreciable restraint in terms of the public realm with a minimal level of fixed signage and very little visual clutter. Such 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. At present, there is no bus shelter in this location. Consequently there are unimpeded views from the south through to the backdrop of listed buildings and the church spire beyond and from the end of Back Lane towards the buildings on the eastern side of Heath Street.
7. The proposed advertisement would comprise a double sided digital display unit at one end of a new bus shelter. 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 town centre location it would appear as a discordant and unduly dominant feature as well as creating an element of visual clutter. The proposed advertisements would be ill at ease in the context of this high quality townscape and its digital illumination would be incongruous. Attention would also be unreasonably drawn from the elevational qualities of the above referenced listed buildings on both sides of the street, 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. It is for these reasons that 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 (CS) 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 first reason for refusal also refers to DP Policy DP24, however, this relates to quality design in developments rather than advertisements.

Highway safety

11. Given that there is presently no bus shelter in this location, the introduction of a display unit as an end panel to a new shelter would reduce the effective width of the footway in this location. However, the footpath is relatively wide at the point of the proposed display unit. Although the Council say the width would be reduced below the 3.3m minimum set out for busy pedestrian routes in Transport for London (TfL) guidance¹, I have no agreed figures to this effect and no figures are provided on the proposed plans to show the residual depth.
12. In any case, even discounting the 1.2m between the unit and the kerb, the remaining footway would be wider than that where it narrows a short distance to the north in front of No 70 Heath Street. Moreover, I have no evidence of

¹ Transport for London publication "Pedestrian Comfort Guidance for London"

the actual pedestrian flow rates in this location and although I acknowledge its position within a town centre location, at the time of my site visit (1640 hours on a Monday) it was very low. I accept that this would increase at peak times, but I am not convinced on the evidence before me that any additional harm to pedestrian comfort levels would be sufficient on its own to warrant withholding express consent on the basis of harm to highway safety or amenity.

13. I do not therefore find that the proposal would unacceptably harm highway safety and as such would not conflict with DP Policy DP21, which amongst other matters, seeks to avoid the same. The Council's second reason for refusal also makes reference to CS Policy CS5 (managing the impact of growth and development) and DP Policy DP24 (securing high quality design). However, these have limited relevance to this main issue for an advertisement appeal.

Other matters

14. The proposal forms part of a London wide programme by TfL 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

15. 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